

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve or disapprove the amendment to the site plan for Special Exception, Case #73-143X, to allow an addition to the existing building and to remove the restriction, as set forth in Case #73-143X to the existing Community Building and Shooting Range.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1981, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

RECEIVED
BALTIMORE COUNTY
ZONING COMMISSIONER
SEP 22 1981

ORDER RECEIVED FOR FILING
DATE _____
BY _____
ADMINISTRATIVE ASSISTANT

The restrictions sought to be removed from the Board's Memorandum and Amended Order dated December 23, 1975, are, in part, as follows:

"...and such turkey shoots shall be confined to the hours between noon and 6:00 p.m." (emphasis added)

"...all to be located on the portion of the land described as Parcel B on Exhibit No. 1, and that all targets for shooting shall be located to the west thereof."

- In keeping with the County Board of Appeals' Orders, the petitioners' site plan was submitted and approved by the Office of Planning and Zoning on October 5, 1978.
- Testimony in behalf of Joseph E. Perry V.F.W. Post No. 751, Inc., indicated a reduction in membership and contended that the restrictions were directly the cause, or at least a contributing factor, in that they prevented growth both in membership and financial stability. In answer to both, the Post proposes to create a ladies auxiliary, a youth organization, and a program for disabled veterans; to rent their facilities to other civic organizations; and to expand their fund raising events to afford the Post the opportunity to contribute to other civic and charitable projects. In particular, each year, the Post wants to hold four fund raising events in the nature of bull or oyster roasts or crab feasts; six board of directors' meetings; one affair for the installation of officers; four family picnics, exclusive of the bull or oyster roasts, etc., one membership rally, exclusive of the youth organization; two picnics for Veterans hospital patients; and eight turkey shoots. They also request 500 target shots in lieu of the permitted 300; the attendance to be limited to 400 in lieu of the present 200; to rent the property to other civic organizations, including the ladies auxiliary; and to be relieved of the registered mail notice required for turkey shoots.
- The protestors objected to the removal of the imposed restrictions because of the increased traffic that the roads would be required to handle, i.e., Rices Lane is approximately 16 feet wide and Fry's Lane is 9 1/2 to 11 feet wide, the increase in noise emanating from the property during such affairs, damage to personal and real property by people coming and going to the subject site, and the increase in hazards resulting from the use of firearms (shotguns) in the area. One of the protestors did, however, acknowledge that the use of the property by the Joseph E. Perry V.F.W. Post No. 751 had improved in some respects since the imposition of the restrictions.

and, thus, the present public hearing is required.

A review of all of the evidence submitted by both the petitioners and the protestors reveals substance in both their respective positions. On one hand, we have a community oriented organization which participates in many civic and worthwhile

projects which benefit many who are not members. On the other hand, we have home owners who moved to the rural setting to escape many of the objections of urban living. Obviously, neither position is acceptable to the other.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of October, 1981, that the amendments to the site plan and the removal of certain restrictions are hereby approved to the extent hereinafter set forth and, as such, the Petition for Special Hearing should be GRANTED, from and after the date of this Order, subject to the following restrictions:

- The proposed 24' x 41' addition to the existing improvement, shown on the site plan prepared by Paul Lee Engineering, Inc., revised January 30, 1981, and marked Petitioners' Exhibit 1, shall be subject to the issuance of a building permit by the Department of Permits and Licenses and the comments submitted by the Department of Health, dated January 21, 1981, together with approvals from all other regulatory agencies of Baltimore County regarding the issuance of a building permit, the construction of the addition, and the use thereof.
- The improvements, existing and proposed, shall be used only for meetings of the Joseph E. Perry V.F.W. Post No. 751 membership, its board of directors, youth organization, and/or ladies auxiliary. The meetings shall not be held elsewhere on the subject site and shall be limited to no more than two per month.
- No more than four fund raising affairs, i.e., bull roast, oyster roast, crab feast, or turkey shoot, may be held in any one year and shall be spaced so that a three-month period of time elapses between any such affair. Each such affair shall be held only on Saturday between the hours 12:00 Noon and 6:00 p.m. and shall be subject to the aforementioned comments by the Department of Health and the requirements of all other regulatory agencies of Baltimore County. No more than 200 people may attend any such fund raising affair.
- Notice of all such fund raising affairs shall be provided to all home owners or tenants gaining access to their properties by way of Rices Lane by certified mail with return receipt requested at least three weeks prior to the date of the affair.
- Compliance with all other limitations and restrictions contained in the Order of the County Board of Appeals, Case Nos. 73-143-X and 71-58-V (ZV-70-352), dated October 17, 1974, together with the Board's Memorandum and Amended Order, dated December 23, 1975, to the extent that these

Orders have not been rescinded, revoked, or amended shall remain in full force and effect as if such had been specifically set forth herein.

- A revised site plan, incorporating the limitations and restrictions set forth herein, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE _____
BY _____
ADMINISTRATIVE ASSISTANT

DATE _____
BY _____
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE _____
BY _____
ADMINISTRATIVE ASSISTANT

DATE _____
BY _____
ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 13, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Cichomari

MEMBERS
Bureau of Planning
Department of Public Engineering
State Roads Commission
Bureau of Public Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

S. Eric DiNenna, Esquire
Suite 205, Alex. Brown Bldg.
Towson, Maryland 21204

Re: Item No. 121
Petitioner - Thelma E. Perry, et al
Special Hearing Petition

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your clients' proposal to remove restrictions from the previous Special Exception Case No. 73-143-X, which granted the existing community building and shooting range, this Special Hearing petition is required.

At the time of the scheduled hearing all restrictions that were incorporated in the above referenced hearing should be clearly explained and provided. With this in mind particular attention should be afforded to the comments of the Health Department. If there are any questions regarding these comments you may contact Mr. Roe Powell at 434-2762.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. CICHOMARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: Mr. Paul Lee
304 W. Pennsylvania Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

January 29, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #121 (1980-1981)
Property Owner: Joseph E. & Thelma E. Perry
W/S Rices Lane 3156' S/W of Windsor Mill Rd.
Acres: 9.7 Acres District: 2nd

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied for this property in conjunction with the Zoning Advisory Committee review for Item 43 (1971-1972) and Item 71 (1972-1973) are referred to for your consideration.

This property, which is utilizing private onsite water supply and sewage disposal facilities, is within the Baltimore County Metropolitan District and partially within the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-16A, as amended, indicate "Planned Service in 11 to 30 Years" in the area.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 121 (1980-1981).

Very truly yours,

ROBERT A. MORGAN, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

Attachments

1-WN P & Y Sheet
15 & 16 NW 32 Pos. Sheets
NW 4 H Topo
87 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
107 W. Chesapeake Ave.
Towson, Maryland 21204
FROM: S. Eric DiNenna
107 W. Chesapeake Ave.
Towson, Maryland 21204
SUBJECT: Item 121 (1980-1981)
Property Owner: Joseph E. & Thelma E. Perry
W/S Rices Lane 3156' S/W of Windsor Mill Rd.
Proposed Zoning: R-2, R-3
Proposed Use: Special Exception for Comm. Bldg. and
Shooting Range
District: 2nd
No. Acres: 9.7

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

No public highways or utilities are involved. Neither public water supply or sanitary sewerage are available to serve this property, which is utilizing private onsite facilities.

A subdivision plat appears to be required in connection with the overall "Perry" property, of which this site is a part.

S. Eric DiNenna, Esquire
107 W. Chesapeake Ave.
Towson, Maryland 21204

ED:RAM:ess

1-WN P & Y Sheet
15 & 16 NW 32 Pos. Sheets
NW 4 H Topo
87 Tax Map

PETITION FOR SPECIAL HEARING
2nd District

ZONING: Petition for Special Hearing
LOCATION: West side of Fry's Lane, 3158 feet South of Windsor Mill Road
DATE & TIME: Tuesday, March 24, 1981 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan for Special Exception (Case No. 73-143-X) to allow an addition to the existing building and to remove the restrictions as set forth in Case No. 73-143-X to the existing Community Building and Shooting Range

All that parcel of land in the Second District of Baltimore County

Being the property of Thelma E. Perry, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, March 24, 1981 at 1:30 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

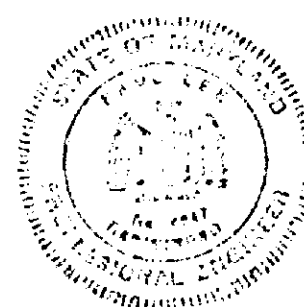
Paul Lee P.E.

Paul Leo Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
821-5941

DESCRIPTION OF PARCEL "A" AND "B" OF LAND FOR THE JOSEPH E.
PERRY V.F.W. POST

Beginning for the same at a point located on the west side of Fry's Lane, said point being southwesterly 1570'± along the west side of Fry's Lane and southwesterly 1588'± along the west side of Rices Lane from the intersection of the south side of Windsor Mill Road with the west side of Rices Lane (a total of 3158'±), thence running on the outlines of the parcel of land owned by the Joseph E. Perry V.F.W. Post #751 of Randallstown (1) N 81°41' West 280.28 feet, thence (2) S 09°24' West 345.0 feet; thence (3) S 74°20' East 264.97 feet, and thence (4) N 11°57' East 379.75 feet, to the point of beginning.

Containing 2.20 acres, more or less, and being designated as Parcels "A" and "B" on the plat.

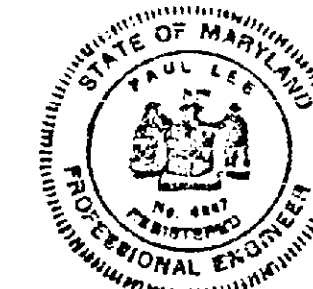


OFFICE COPY

Engineers — Surveyors — Site Planners 2/3/81

Paul Lee P.E.

Paul Leo Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
821-5941



DESCRIPTION FOR A PARCEL OF LAND LEASED BY THE VETERANS
OF FOREIGN WARS OF THE UNITED STATES

Beginning for the same at a pipe set at the end of the first line of land described in a deed from Thelma A. Perry, widow, to the Veterans of Foreign Wars Post, dated January 25, 1971, and recorded among the Land Records of Baltimore County in Liber O.T.G. 5161, Folio 40 etc., thence running and binding on the second line of said deed and on a prolongation thereof S 09°21' W 700 feet to intersect the sixth line of the land described in a deed from Lorenzo M. Kirk to Joseph E. Perry and wife, dated August 14, 1936, and recorded among the land records of Baltimore County in Liber 979, Folio 355 etc.; thence running and binding on a part of side of sixth line and referring the courses to said deed S 88° W 165 feet to the end thereof; thence running and binding on the seventh and a part of the eighth lines of the last mentioned deed N 32°00' W 845 feet to the end thereof of the seventh line and N 37°34' E 100 feet to a point in line with the first line of the deed first mentioned herein; thence running on a prolongation of said first line in a reversely direction S 81°41' E 670 feet to the point of beginning.

Containing 7.5 acres more or less and being a part of the land conveyed in the deed secondly mentioned above.

Engineers — Surveyors — Site Planners 11/25/80

PETITION FOR SPECIAL HEARING
2nd District

ZONING: Petition for Special Hearing
LOCATION: West side of Fry's Lane, 3158 feet South of Windsor Mill Road
DATE & TIME: Thursday, March 12, 1981 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan for Special Exception (Case No. 73-143-X) to allow an addition to the existing building and to remove the restrictions as set forth in Case No. 73-143-X to the existing Community Building and Shooting Range

All that parcel of land in the Second District of Baltimore County

Being the property of Thelma E. Perry, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, March 12, 1981 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

pp
Kingsford did
not hear at

Paul Lee P.E.

Paul Leo Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
821-5941

DESCRIPTION OF PARCEL "A" AND "B" OF LAND FOR THE
JOSEPH E. PERRY V.F.W. POST

Beginning for the same at a point on the West side of Rices Lane, Southwesterly 3158 feet from Windsor Mill Road, thence running on the West side of a 20 foot road, S 14°03' West 71.0 feet and S 17°26' West 54.80 feet and S 23°19' West 195.0 feet; thence running on the outlines of the parcel of land owned by The Joseph E. Perry V.F.W. Post, No. 751 of Randallstown, (1) N 81°41' West 280.28 feet, thence (2) S 09°24' West 345.0 feet; thence (3) S 74°20' East 264.97 feet, and thence (4) N 11°57' East 379.75 feet to the point of beginning.

Containing 2.20 acres more or less and being designated as Parcels "A" and "B" on the plat.



Engineers — Surveyors — Site Planners 11/25/80

3006 Rices Lane - RR5
Baltimore, Maryland 21207

March 9, 1982

County Board of Appeals
219 Courthouse
Towson, Maryland 21204

Re: Case No. 71-160-SPH
Thelma E. Perry, et al
Pet. for Special Hearing
Date of Hearing - 3/9/82

Gentlemen:

Because we must be at our place of business on 3-9-82, we shall be unable to appear and testify in the captioned case. We want you to know, however, that we are strongly opposed to the lifting of any restrictions which were imposed by the Board several years ago on the activities of the Joseph Perry Post of the VFW at its location off of Fry's Lane.

We have resided on Rices Lane since 1970 and we are very familiar with the geography of Rices and Fry's Lanes, and the parcel of land on which the VFW clubhouse is located. If any of the restrictions are lifted, the traffic will be more than these narrow and winding country lanes can handle. There are no sidewalks in the area and the pedestrians and animals will be in great danger from the traffic, especially with the amount of the alcoholic beverages that are consumed by the VFW members and guests when they have their meetings and affairs.

Also, the VFW meetings and affairs are a great nuisance in the neighborhood even now. There is a great deal of noise, there is danger from the shooting that goes on, and there is a great deal of littering (papers, cans and bottles) after each of their meetings and affairs.

Because of the meetings and affairs, the area is a great attraction to VFW guests and former guests and many persons come there to shoot and hunt and make noise and litter in between the VFW meetings and affairs.

(Continued...)

Page 2
County Board of Appeals
March 9, 1982

Nothing has changed about the neighborhood or any other aspect of the situation since the Board's previous ruling in about 1974. We implore you to reverse the lifting of the restrictions by Commissioner Hammond and revert back to the restrictions as laid down by the Board 8 years ago.

Thank you for your cooperation.
Sincerely,

Edward C. Hayes
Edward C. Hayes

Carney P. Hayes (Mrs.)
Carney P. Hayes (Mrs.)

BALTIMORE COUNTY
MAR 11 9 50 AM '82
OFFICE OF THE
CLERK OF THE BOARD OF APPEALS
BY [Signature]

IRWIN H. DESSER
ATTORNEY AT LAW
3126 RICES LANE - RR 5
BALTIMORE, MARYLAND 21207

November 10, 1981

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Lifting of Restrictions
W/S Fry's Lane
Thelma E. Perry, et al, Petitioners
No. 81-160-SPH (Item No. 121)

Dear Sir:

The Protestants in the captioned case hereby appeal from your Order of October 14, 1981 to the Board of Zoning Appeals. Enclosed is a check in the amount of \$45 to cover fee and posting costs.

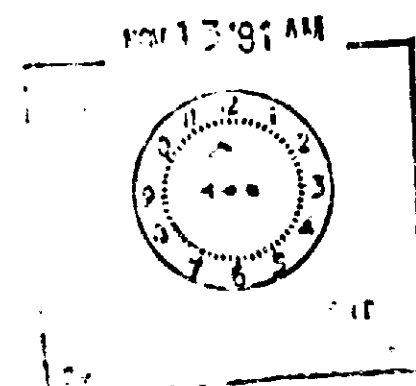
Thank you for your considerable and sincere efforts in your handling of this matter at your level.

Respectfully yours,

Irwin H. Desser

IHD:rhf
Enclosure

cc: Mr. & Mrs. W. C. Masemore
Mr. & Mrs. Fred Hickey
Mr. & Mrs. M. H. Fry
Mrs. Ruth Henritz
Mr. & Mrs. W. H. Shively
Mr. & Mrs. D. Maranto
Mr. & Mrs. J. Underwood
Mr. & Mrs. Edw. Hayes
Mr. Charles Hayes
John W. Hessian, III, Esquire
People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
Date: February 24, 1981

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Petition No. 81-160-SPH Item 121

Petition for Special Hearing
West side of Fry's Lane, 3158 feet south of Windsor Mill Road
Petitioner: Thelma E. Perry, et al

Second District

HEARING: Thursday, March 12, 1981 (9:45 A.M.)

This office is not opposed to the proposed building addition; however, this comment should not be construed as support for the removal of all of the restrictions contained in the order of Petition No. 73-143-X.

The property is zoned R.C. 3, as is the surrounding area. R.C. 3 zoning is applied to specific areas in Baltimore County that are ideally suited for future higher density development. While the subject use is on appropriate one here, it will not be compatible when the area is urbanized in the future.

NEG:JGH:ob

Norman E. Gerber, Director
Office of Planning and Zoning

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 11-28-81

Posted for: APPEAL

Petitioner: Thelma E. Perry, et al

Location of property: W/S Fry's Lane, 3158' S of Windsor Mill Road

Location of Signs: 1 Sign West side of Fry's Lane, 3158' S of Windsor Mill Rd, Location Sign NE Corner of Rice Lane & Fry's Lane.

Remarks: 2 Signs - 1 Sign is Location Sign

Posted by: Stephen J. Smith Signature Date of return: 12-4-81

S. Eric DiNenna, Esquire
Suite 205, Alex. Brown Bldg.
Towson, Maryland 21204

Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 6th day of February, 1981.

Petitioner: Thelma E. Perry, et al

Petitioner's Attorney: S. Eric DiNenna

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 5 day of December, 1981.

Filing Fee \$ Received: Check

Cash

Other

Petitioner: Thelma E. Perry, et al

Submitted by: William E. Hammond, Zoning Commissioner

Petitioner's Attorney: S. Eric DiNenna

Reviewed by: [Signature]

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]			Revised Plans: Change in outline or description Yes No							
Previous case: 73-143-X			Map #							

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]			Revised Plans: Change in outline or description Yes No							
Previous case: 73-143-X			Map #							

PETITION FOR SPECIAL HEARING-2nd DISTRICT

ZONING: Petition for Special Hearing
LOCATION: West side of Fry's Lane, 3158 feet South of Windsor Mill Road
DATE & TIME: Tuesday, March 24, 1981 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for special hearing under Section 507 of the Baltimore County Zoning Ordinance, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan for a building and to remove the restrictions as set forth in Case No. 73-143-X to the existing Community Building and Shooting Range.

All that parcel of land in the Second District of Baltimore County, known as the VETERANS OF FOREIGN WARS OF THE UNITED STATES, OP LAND LEASED BY THE

Beginning for the same at a point at the end of the first line of the lot described in a deed from Thelma A. Perry, widow, to the Veterans of Foreign Wars Post 751, dated January 26, 1971, and recorded among the Land Records of Baltimore County in Liber O.T.G. 581, Folio 40 etc., thence running and lying on the second line of said deed and on a prolongation thereof S. 0° 21' 00" E. 200 feet to the south line of the lot described in a deed from Lorenza M. Kirk to Joseph E. Perry and wife, dated August 14, 1966, and recorded among the land records of Baltimore County in Liber 978, Folio 855 etc.; thence running and lying on a part of side of sixth line and referring the courses to said deed S 80° W 100 feet to the end thereof; thence running and lying on the seventh line and a part of the eighth line of the last mentioned deed N 20° 00' W 50 feet to the end thereof of the seventh line and N 27° 20' W 100 feet to a point in line the first line of the deed first mentioned herein; thence running in a bearing of 11° 15' 00" E. 47.8 feet to the point of beginning.

Containing 7.5 acres more or less and being a part of the land conveyed in the deed secondly mentioned above.

DESCRIPTION OF PARCEL "A" AND "B" OF LAND FOR THE JOSEPH E. PERRY V.F.W. POST Beginning for the same at a point located on the west side of Fry's Lane, said point being southwesterly 150° 2' along the west side of Fry's Lane and southwesterly 150° 2' along the west side of Rice Lane from the intersection of the south side of Windsor Mill Road with the west side of Rice Lane (a total of 3158.2); thence running S 15° 15' E. 378.75 feet, to the point of beginning.

Containing 2.30 acres more or less, and being designated as Parcel "A" and "B" on the plat.

Being the property of Thelma E. Perry, et al, as shown on plat plan filed with the Zoning Department. Hearing Date: Tuesday, March 24, 1981 at 1:30 P.M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. By Order Of WILLIAM E. HAMMOND, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1981

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each of one time before the 24th day of March, 1981, the first publication appearing on the 5th day of March, 1981.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ 45.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/18/81 ACCOUNT 01-662

AMOUNT \$45.00

RECEIVED S. Eric DiNenna, Esquire
FOR: Appeal fee for Case #81-160 (Perry)

45.00

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 12, 1981

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each of one time before the 12th day of March, 1981, the first publication appearing on the 19th day of February, 1981.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ 45.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3/4/81 ACCOUNT 01-662

AMOUNT 45.00

RECEIVED Thelma E. Perry, V.F.W.
FOR: Advertising rate (45.00)

45.00

VALIDATION OR SIGNATURE OF CASHIER

LEGAL NOTICE

PETITION FOR SPECIAL HEARING

2nd District

ZONING: Petition for Special Hearing

LOCATION: West side of Fry's Lane, 3158 feet South of Windsor Mill Road

DATE & TIME: Tuesday, March 24, 1981 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for special hearing under Section 507 of the Baltimore County Zoning Ordinance, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan for a building and to remove the restrictions as set forth in Case No. 73-143-X to the existing Community Building and Shooting Range.

All that parcel of land in the Second District of Baltimore County, known as the VETERANS OF FOREIGN WARS OF THE UNITED STATES, OP LAND LEASED BY THE

Beginning for the same at a point located on the west side of Fry's Lane, said point being southwesterly 150° 2' along the west side of Fry's Lane and southwesterly 150° 2' along the west side of Rice Lane from the intersection of the south side of Windsor Mill Road with the west side of Rice Lane (a total of 3158.2); thence running S 15° 15' E. 378.75 feet, to the point of beginning.

Containing 2.30 acres more or less, and being designated as Parcel "A" and "B" on the plat.

Being the property of Thelma E. Perry, et al, as shown on plat plan filed with the Zoning Department. Hearing Date: Tuesday, March 24, 1981 at 1:30 P.M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. By Order Of WILLIAM E. HAMMOND, Zoning Commissioner of Baltimore County

DESCRIPTION OF PARCEL "A" AND "B" OF LAND FOR THE JOSEPH E. PERRY V.F.W. POST Beginning for the same at a point located on the west side of Fry's Lane, said point being southwesterly 150° 2' along the west side of Fry's Lane and southwesterly 150° 2' along the west side of Rice Lane from the intersection of the south side of Windsor Mill Road with the west side of Rice Lane (a total of 3158.2); thence running S 15° 15' E. 378.75 feet, to the point of beginning.

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BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. 102631

DATE 11/18/81 ACCOUNT 01-662

AMOUNT \$45.00

RECEIVED William C. Macomber - Protestant
FOR: Appeal fee for Case #81-160-SPH (Perry)

45.00

VALIDATION OR SIGNATURE OF CASHIER

Case No. 81-160-SPH

W/S Fry's Lane, 3158' S. of Windsor Mill Road

Thelma E. Perry, et al, Petitioner

2 STARS (1 DIRECTORIAL)

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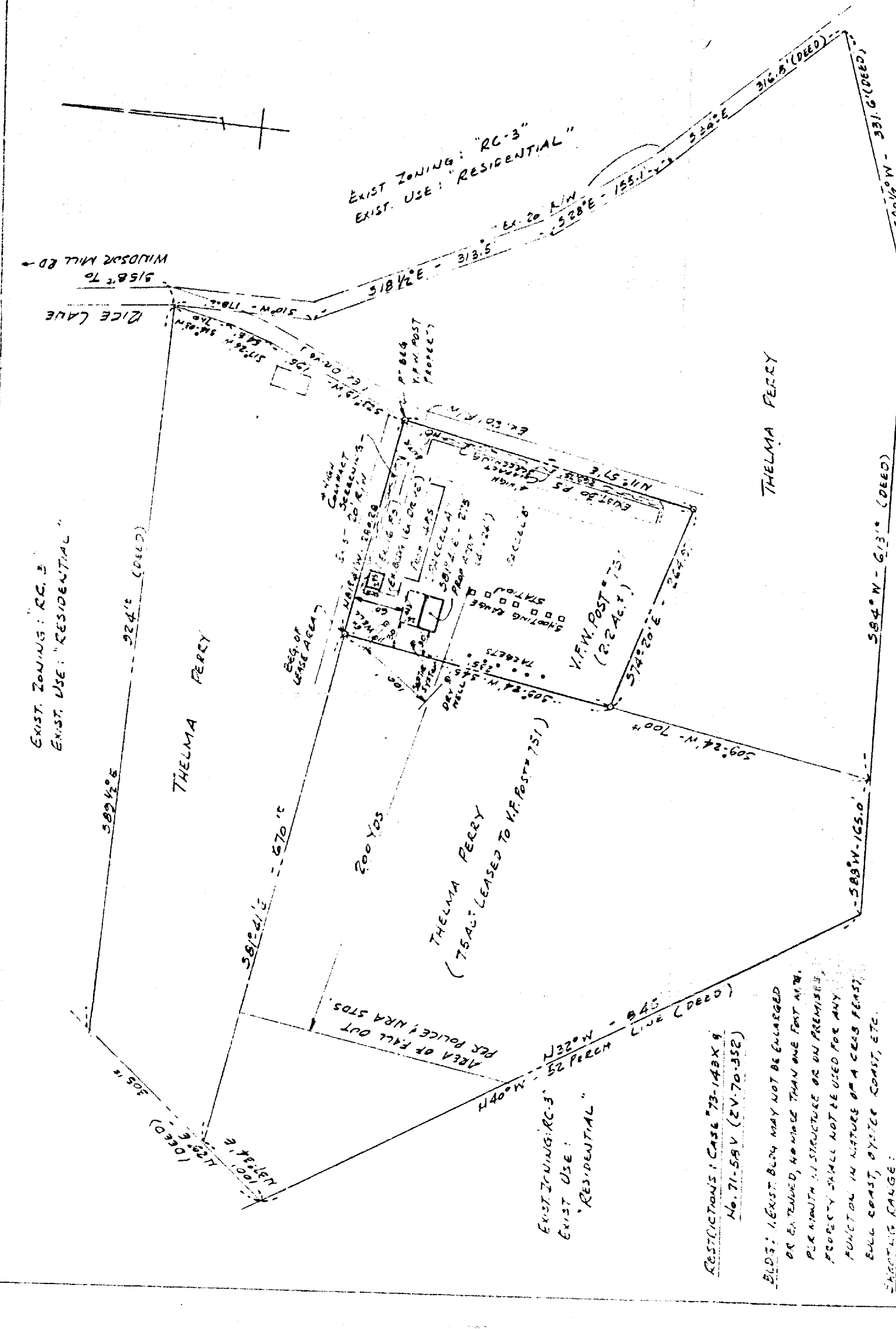
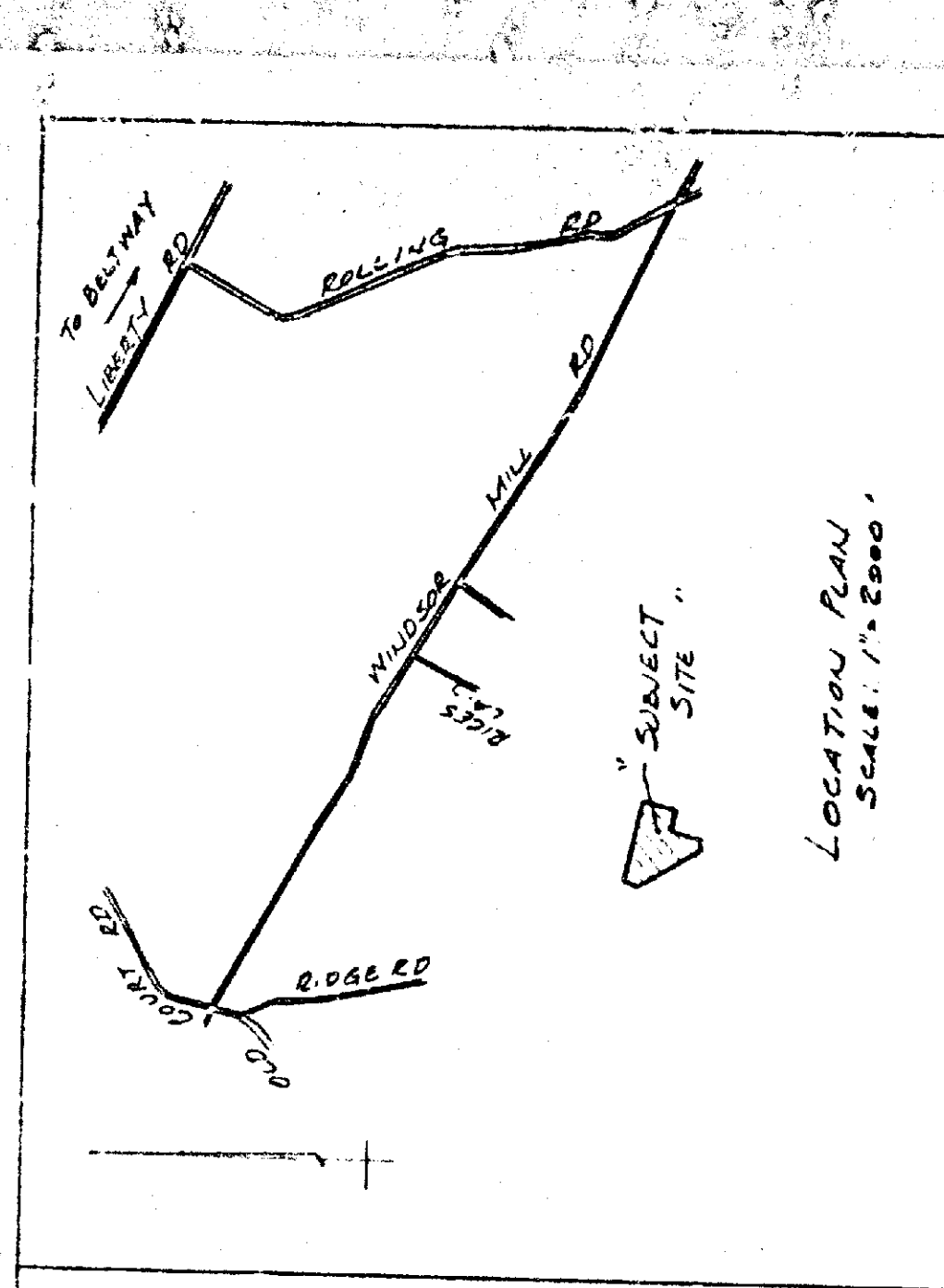
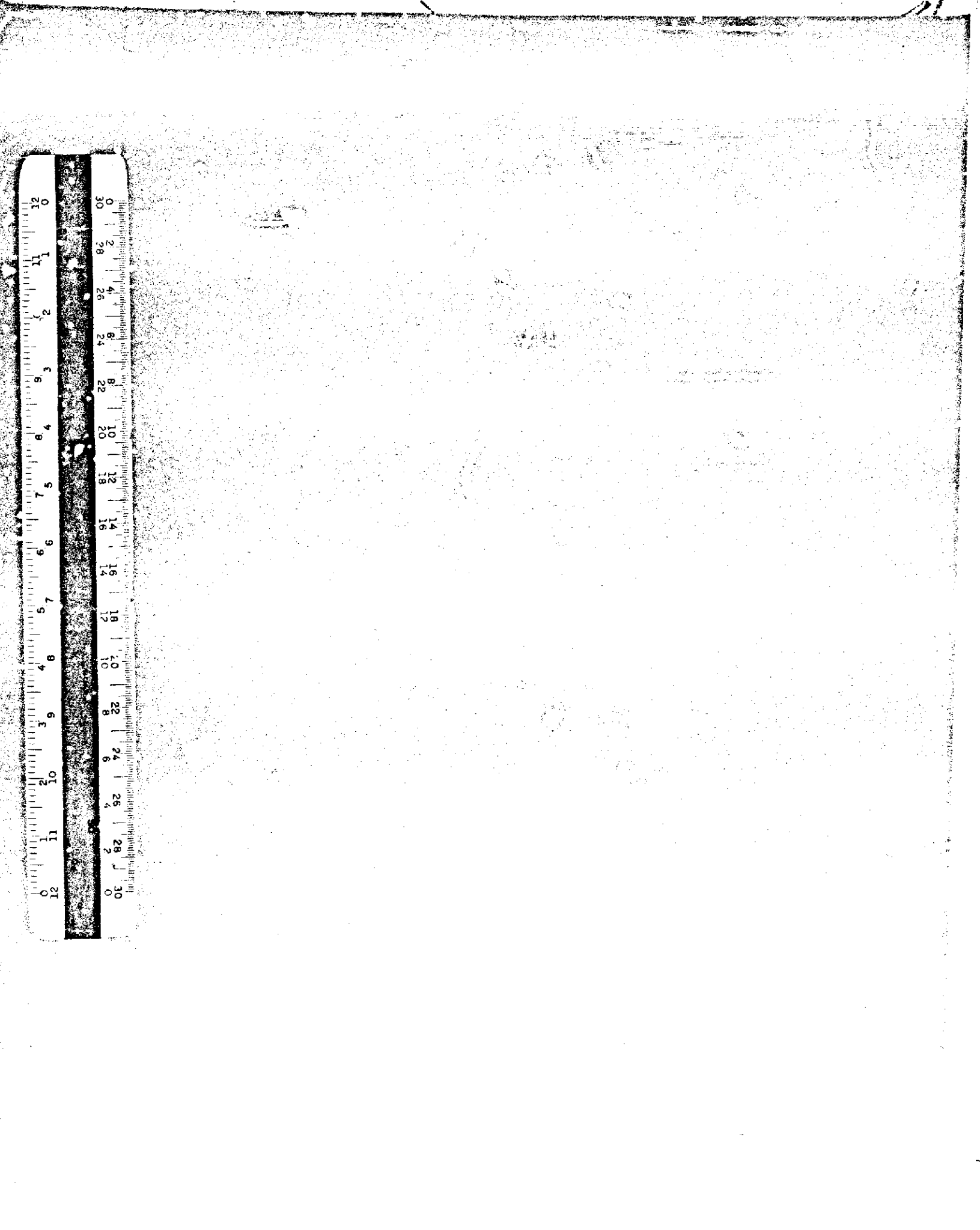
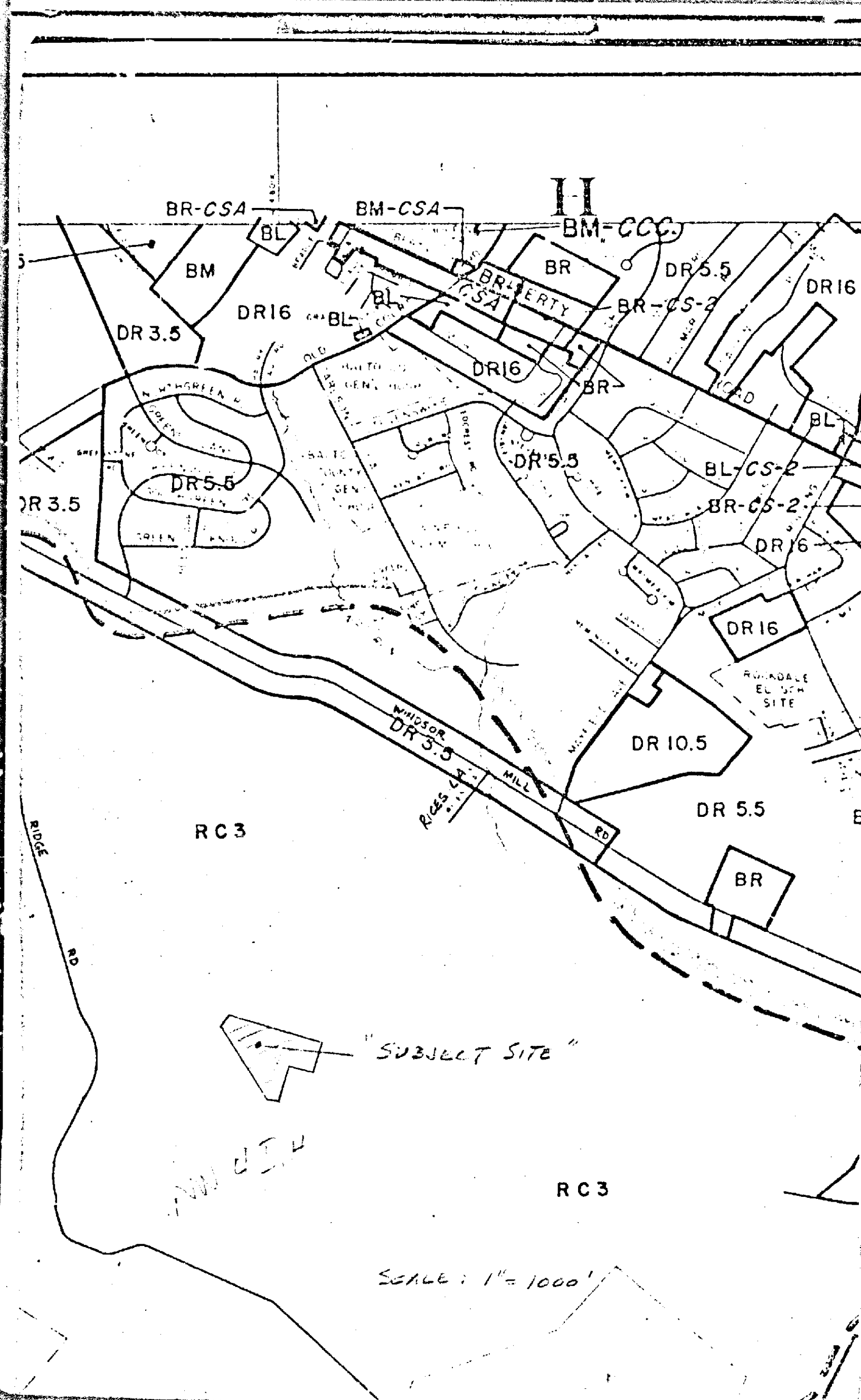
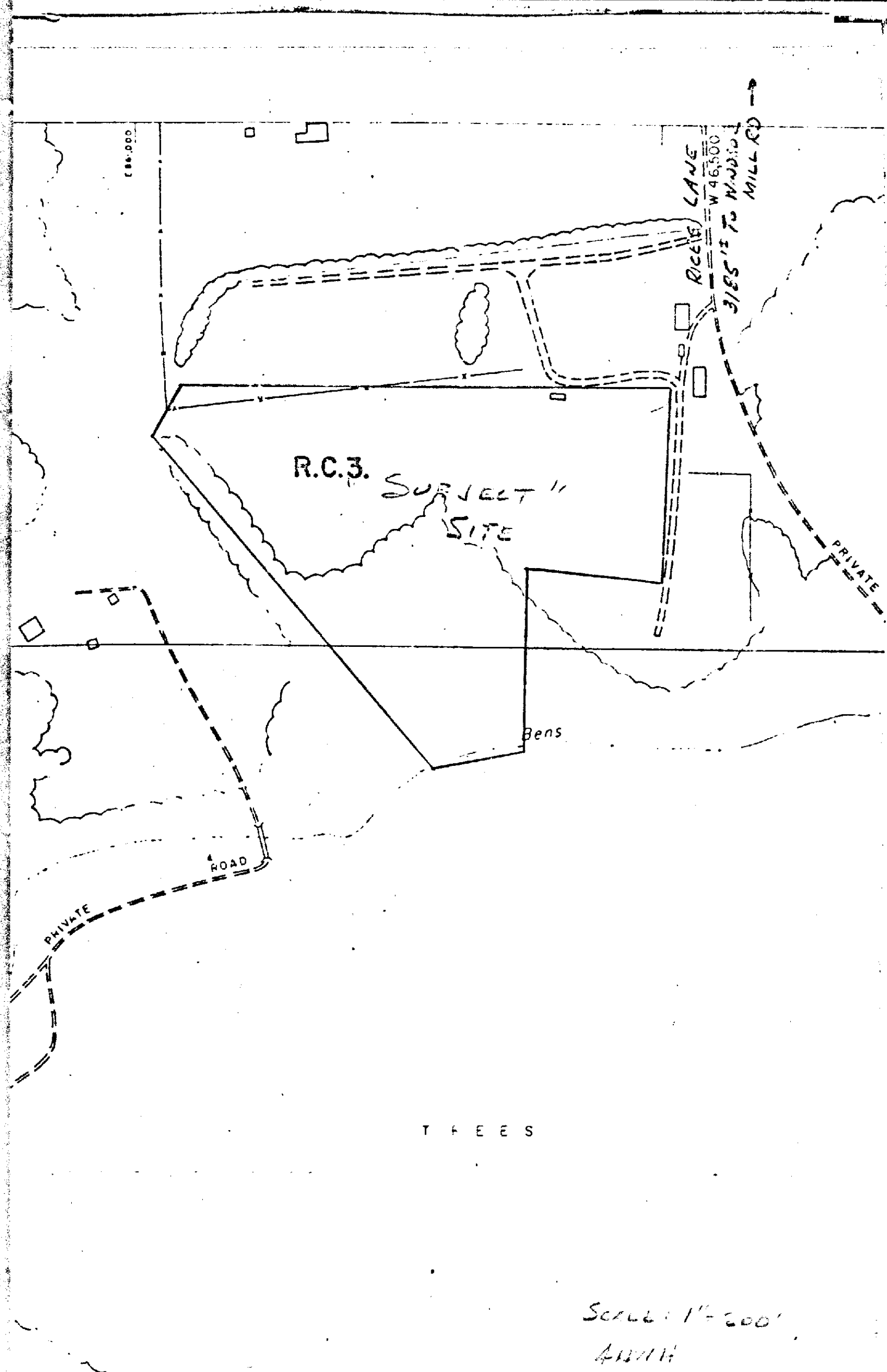
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GENERAL NOTES

1. TOTAL AREA OF PROPERTY: 2.26A²
(.75 AC. LEASED FOR SHOOTING RANGE)
2. EXIST. BUILDINGS OF PROPERTY: " RC-3 WITH SPECIAL EXCEPTION" (CASE 73-143X)
3. EXIST. USE OF PROPERTY: "MEETING PLACE"
SHOT GUN SHOOTING RANGE"
4. PROP. ZONING OF PROPERTY: "RC-3 WITH SPECIAL EXCEPTION"
5. PROP. USE OF PROPERTY: "MEETING PLACE"
SHOT GUN SHOOTING RANGE"
6. OFF-STREET PARKING DATA: 125
A. NUMBER OF MEMBERSHIP: 125
B. EXIST. BLDG. AREA (41'x24') = 984 S.F.
C. PROP. ADDITION (41'x24') = 984 S.F.
D. TOTAL BLDG. AREA = 1968 S.F.
E. EXIST. PARKING (1/4 MANHOLE) (25'x60'x45') = 21
F. PROP. PARKING SPACES:
EXISTING SPACES = 40 (ON-SHOOTING RANGE)
PROP. SPACES (31'x21') = 16
TOTAL SPACES SHOWN: 56
7. FUTURE WELL-DEFINED ZONING SYSTEM EXIST ON SITE.
8. FUTURE USE REQUESTING SPECIAL HEARING FOR AN AMENDMENT TO THE SITE FOR SPECIAL EXCEPTION, CASE "73-143X", TO ALLOW AN ADDITION TO THE EXISTING BUILDING AND TO REMOVE THE RESTRICTIONS AS SET FORTH IN CASE "73-143X" FOR THE COMMUNITY BUILDING & SHOOTING RANGE
9. SITE LOCATED IN BEN'S RUN WATERSHED
10. DRIVEWAY & PARKING AREAS TO BE OF DURABLE MATERIALS
SURFACE WITH A.R.T.E. CURBS

FLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING

JOSEPH E. PERRY - V.F.W. POST No 751

24th ELECT. DIST.

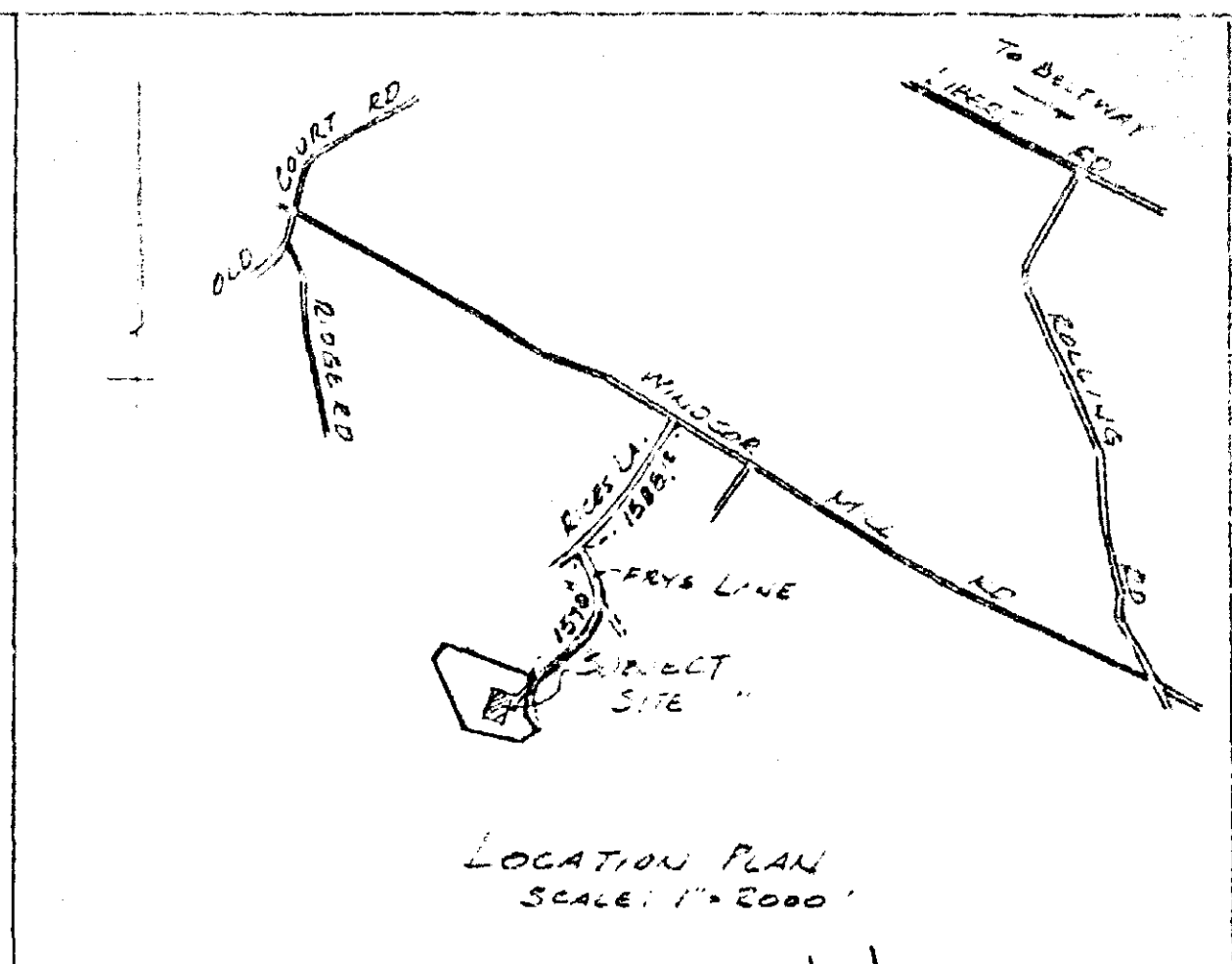
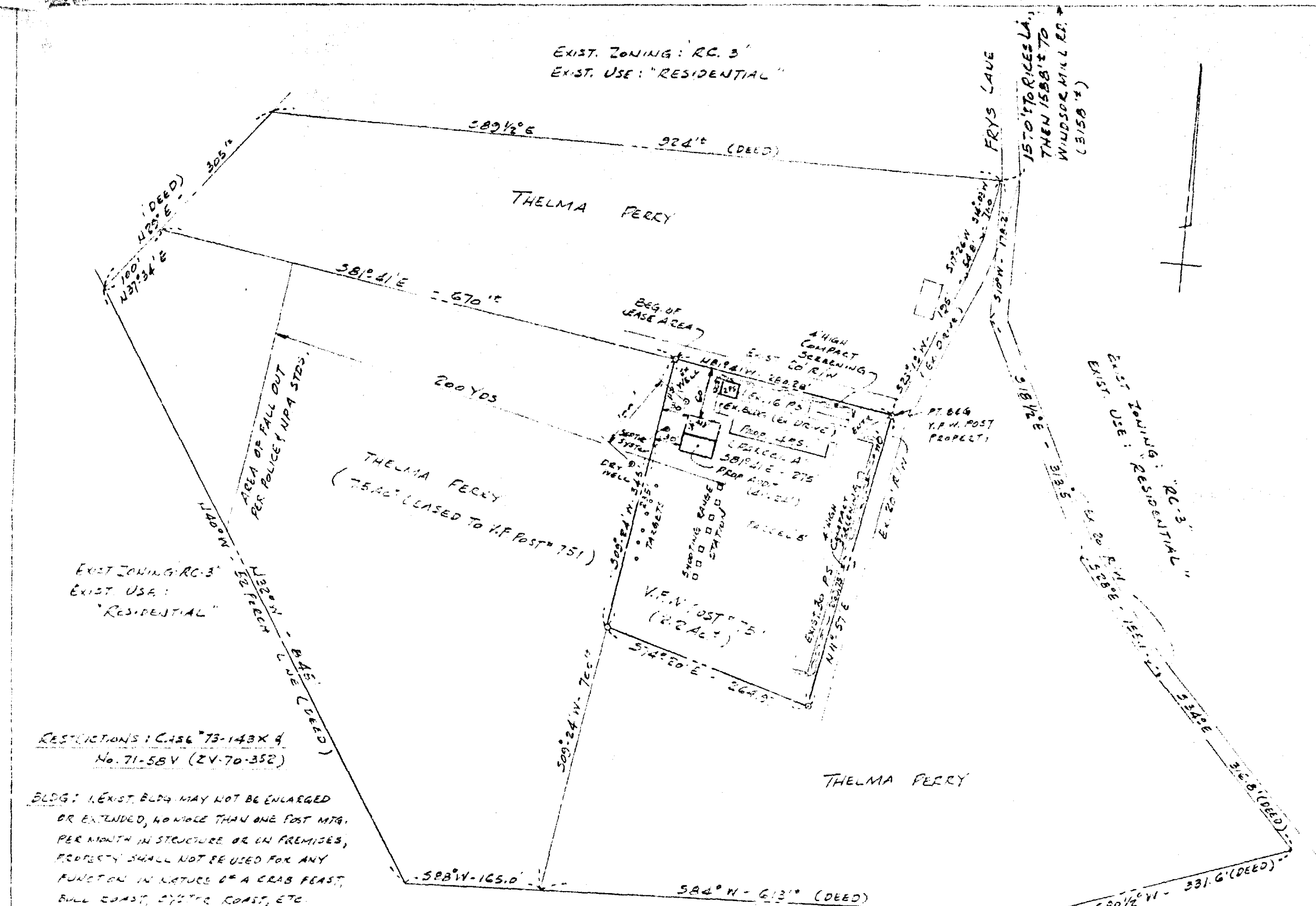
BALTIMORE COUNTY, MD.

Nov. 21, 1980

SCALE: 1" = 100'

Nov. 21, 1980

Nov. 21, 1980



GENERAL NOTES

1. TOTAL AREA OF PROPERTY = 2.2 AC.
(7.5 AC. LEASED FOR SHOOTING RANGE)
2. EXIST. ZONING OF PROPERTY = RC-3 WITH
SPECIAL EXCEPTION (CASE 73-143X)
3. EXIST. USE OF PROPERTY = MEETING PLACE &
SHOT GUN SHOOTING RANGE
4. PROP. ZONING OF PROPERTY = RC-3 WITH
SPECIAL EXCEPTION
5. PROP. USE OF PROPERTY = MEETING PLACE &
SHOT GUN SHOOTING RANGE
6. OFF-STREET PARKING DATA:
A. NUMBER OF MEMBERS = 125
B. EXIST. BLDG. AREA (41' x 24') = 984 S.F.
C. PROP. ADDITION (41' x 24') = 984 S.F.
D. TOTAL BLDG. AREA = 1968 S.F.
E. REQ'D. PARKING (1/6 MEMBERS - 125 MEMBERS) = 21
F. PROP. PARKING SPACES:
EXISTING SPACES = 46 (30 SHOOTING RANGE)
PROP. SPACES (8' x 20') = 16
TOTAL SPACES SHOWN = 62
7. PRIVATE WELL & SEPTIC SYSTEM EXIST ON SITE
8. PETITIONER REQUESTING SPECIAL HEARING
FOR AN AMENDMENT TO THE SITE FOR SPECIAL
EXCEPTION, CASE 73-143X, TO ALLOW AN ADDITION
TO THE EXISTING BUILDING AND TO REMOVE THE
RESTRICTIONS AS SET FORTH IN CASE 73-143X
FOR THE COMMUNITY BUILDING & SHOOTING RANGE
9. SITE LOCATED IN BEN'S RUN WATERSHED
10. DRIVEWAY & PARKING AREAS TO BE OF DURABLE DURESS
SURFACE WITH R.R.TIE CURBS

RESTRICTIONS: CASE 73-143X &
NO. 71-58V (2V-70-352)

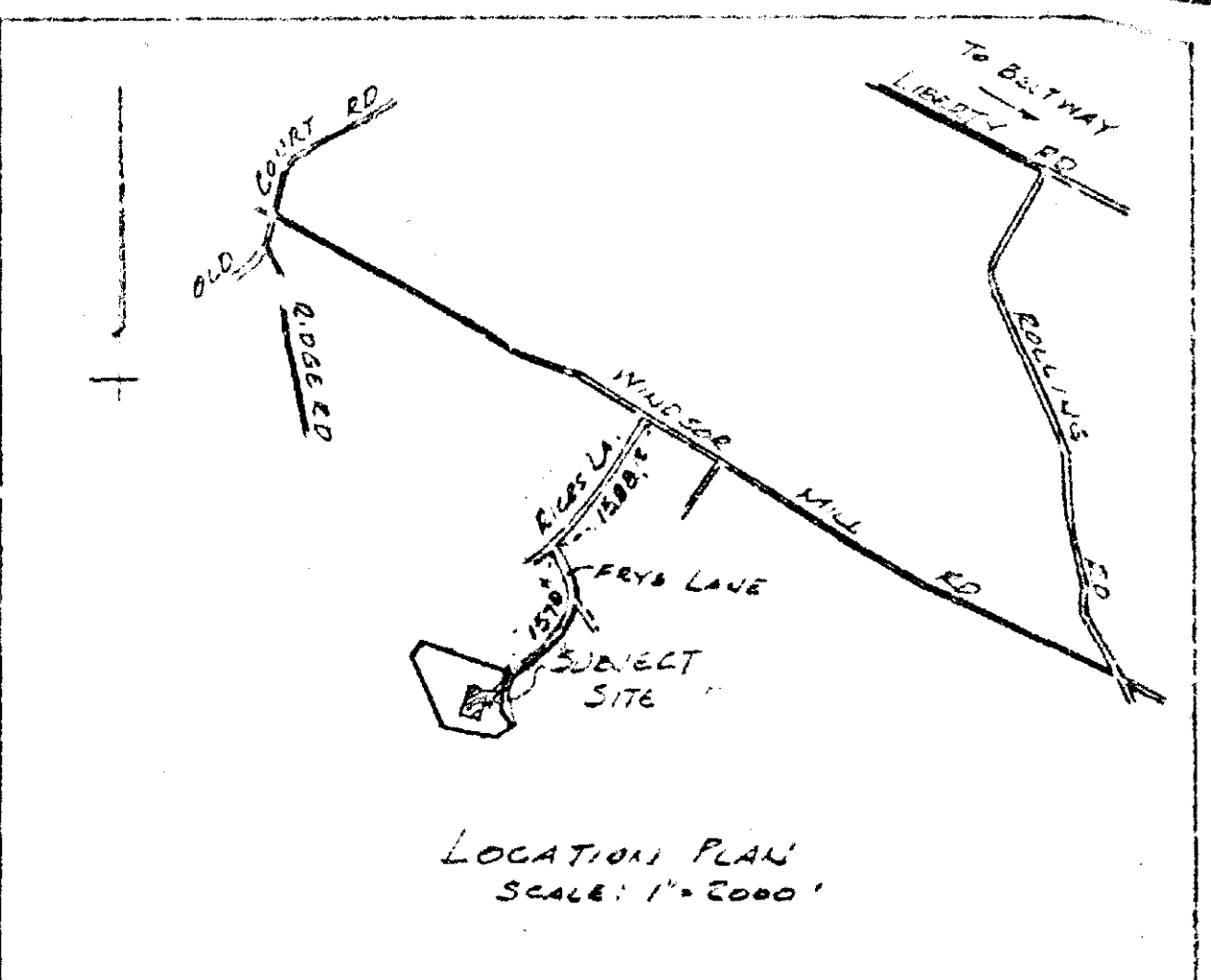
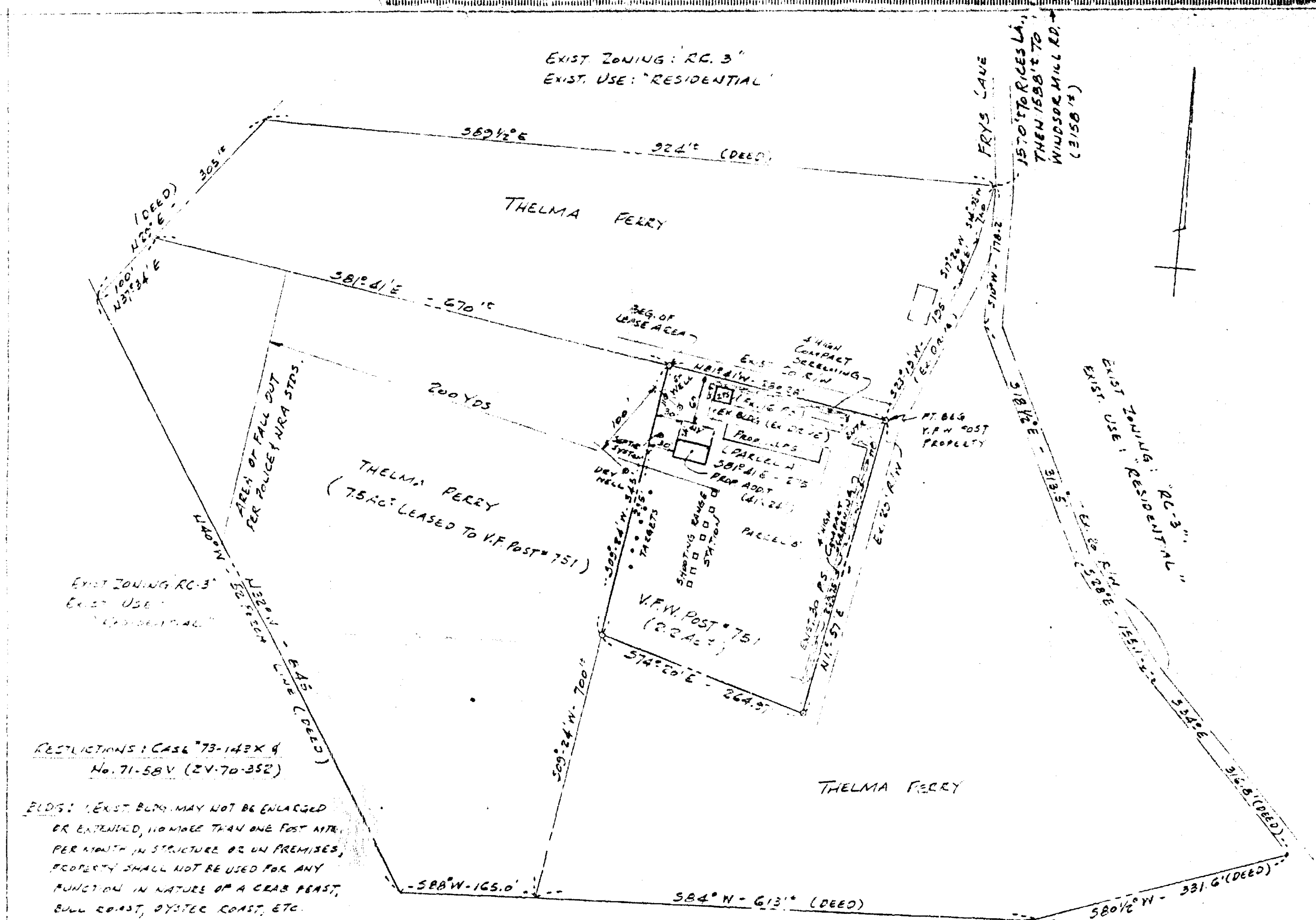
BLDG.: EXIST. BLDG. MAY NOT BE ENLARGED
OR EXTENDED, NOR MORE THAN ONE FORTY NINETY
PER CENT IN STRUCTURE OR ON PREMISES,
PROPERTY SHALL NOT BE USED FOR ANY
FUNCTION IN NATURE OF A CRAB FEAST,
BULL COAST, CYSTEER COAST, ETC.

SHOOTING RANGE:
1. NO MORE THAN TWO TURKEY SHOTS IN ANY
ONE YEAR AT SUBJECT PROPERTY, SET. HRS. OF NOON AND 6 P.M.
2. NOTICE OF SHOT TURKEY SHOTS SHALL BE PROVIDED
TO RESIDENTS THAT GAIN ACCESS TO THEIR PROPERTY VIA RICES LA.
NOTICE BY REGISTERED MAIL THREE WEEKS PRIOR TO TURKEY SHOT.
3. SHOOTING RANGE SHOULD CONSIST OF NO MORE THAN FOUR
SHOOTING STATIONS, ALL TO BE LOCATED ON THE PORTION OF THE
LAND DESCRIBED AS PARCEL B ON EXHIBIT NO. 1 AND ALL TARGET
SHOTS SHALL BE LOCATED TO THE WEST THEREOF.
4. THERE SHALL BE NO MORE THAN TWO HUNDRED PEOPLE
ON THESE GROUNDS AT ONE TIME.
5. ANY SINGLE TURKEY SHOT SHALL BE RESTRICTED TO NO
MORE THAN 300 TARGET SHOTS.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING

JOSEPH E. PERRY - V.F.W. POST NO 751

2ND ELECT. DIST. BALTIMORE COUNTY, MD.
NOV. 21, 1980
REV. JAN 30, 1981 LOC. PLAN



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(7.5 AC. LEASED FOR SHOOTING RANGE)
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10. DRIVEWAY & PARKING AREAS TO BE OF DURABLE DURESS
SURFACE WITH R.R.TIE CURBS

RESTRICTIONS: CASE 73-143X &
NO. 71-58V (2V-70-352)

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PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING

JOSEPH E. PERRY - V.F.W. POST NO 751

2ND ELECT. DIST. BALTIMORE COUNTY, MD.
NOV. 21, 1980
REV. JAN 30, 1981 LOC. PLAN

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. The herein petitioners, Thelma E. Perry as owner/lessor of a portion of property leased to petitioner/lessee Joseph E. Perry V.F.W. Post No. 751, Inc., seek to amend the site plan and to remove certain restrictions set forth by the County Board of Appeals in Case No. 73-143-X to allow an addition to the existing improvement (community building) and a shooting range.
2. A review of Case No. 73-143-X discloses that the then Zoning Commissioner denied the Petition for Special Exception for a community building and for a shooting range to conduct no more than four turkey shoots in any one year. This decision was appealed to the County Board of Appeals. The Board reversed the decision and granted the special exception for both a community building and a shooting range, subject to certain restrictions, by Order dated October 17, 1974. Those appearing in opposition appealed the Board's decision to the Circuit Court, which, by Order dated April 10, 1975, affirmed the Board's decision, but requested a clarification. In response thereto, the Board signed a Memorandum and Amended Order on December 23, 1975, clarifying its original Order.
3. The restriction regarding the special exception for a community building which the petitioners seek to remove from the County Board of Appeals' Order dated October 17, 1974, is, in part, as follows:

"The Petitioner shall be allowed to renovate and rehabilitate the existing improvements, but said improvements may not be enlarged or extended. No new structures shall be permitted. Upon completion, these improvements may be used for V.F.W. Post meetings, however, no more than one such Post meeting per month may be held in these structures or on these premises. However, neither these improvements nor this property shall be used for any function in the nature of a Crab Feast, Bull Roast, Oyster Roast, etc..." (emphasis added)

and the restrictions regarding the special exception for a shooting range sought to be removed are as follows:

"No more than two turkey shoots in any one year shall be held at the subject property." (emphasis added)

"Notice of said turkey shoots shall be provided to residents that gain access to their properties via Rices Lane. This notice shall be via registered mail and at least three weeks prior to the date of the turkey shoot." (emphasis added)

"The shooting range shall consist of no more than four shooting stations." (emphasis added)

"There shall be no more than two hundred people on these grounds at any one time." (emphasis added)

"Any single turkey shoot shall be restricted to no more than 300 target shots." (emphasis added)

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
November 3, 1972

Bureau of Engineering
ELLIWORTH N. DIVER, P.E., CHIEF

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #71 (1972-1973)
Property Owners: Thelma and Joseph Perry
W/S Rices Lane, 3158' S/W of Windsor Mill Rd.
District: 2nd
Proposed Zoning: R.C. 3
Proposed Use: Special Exception for community building, land devoted to civic and social activities and for a shooting range
District: 2nd No. Acres: 7.5 acres

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied by this office, dated September 23, 1972, in connection with Item #13 (1971-1972) remain valid and applicable to this Item #71 (1972-1973). A copy of these comments is attached for your consideration.

Very truly yours,
ELLIWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

ENCLOSURES

1-1/2" Key Sheet
15 MM 32 Position Sheet
VW 1/4" Topo
57 Top Map

Attachments

BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERDER
DIRECTOR

March 5, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #121, Zoning Advisory Committee Meeting, December 23, 1980, are as follows:

Property Owner: Joseph E and Thelma E. Perry
Location: W/S Rices Lane 3158' S/W of Windsor Mill Rd.
Acres: 9.7 acres
District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 21, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #121, Zoning Advisory Committee Meeting of December 23, 1980, are as follows:

Property Owner: Joseph E. & Thelma E. Perry
Location: W/S Rices Lane 3158' S/W of Windsor Mill Rd.
Existing Zoning: R.C. 3
Proposed Zoning: Special Hearing to amend Case #73-143 X to allow an addition to the existing building and to remove the restrictions as set forth in #73-143X to the existing Community Building and Shooting Range.
Acres: 9.7 acres
District: 2nd

The existing building is presently served by a water well and sewage disposal system, both of which appear to be functioning properly.

The sewage disposal system was designed to adequately handle an estimated sewage flow predicated on the proposed usage as outlined under the restrictions set forth by the order given on the special Exception Case #73-143X. The septic system is not adequately designed to accommodate any form of food handling or preparation (ie: Bull Roasts, crab feasts, etc.) nor any increase in the frequency of meetings to be held in the building. Therefore if any type of the aforementioned food handling or increase in usage of the building is proposed, additional soil percolation tests must be conducted and an addition to the septic system be installed.

The soil percolation tests and addition to the sewage disposal system must meet all minimum requirements as set forth by Baltimore County Department of Health and must be done prior to approval of a building permit for the addition.

Mr. William E. Hammond

- 2 -

January 21, 1981

If a food service facility is proposed, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

JTF/mw

CC: J.A. Butcher

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
622-7310

PAUL H. REINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owners: Thelma and Joseph Perry

Location: W/S Rices Lane, 3158' S/W of Windsor Mill Rd.
Item No.: 71 Zoning Agenda: 1972-1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: J. J. Forrest, Director
Planning Group
Special Inspection Division
Noted and Approved: George W. Morgan
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI
DIRECTOR

January 22, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #121 Zoning Advisory Committee Meeting, December 23, 1980

Property Owner: Joseph E & Thelma E. Perry
Location: W/S Rices Lane 3158' S/W of Windsor Mill Road
Existing Zoning: R.C. 3
Proposed Zoning: Special Hearing to amend Case #73-143 X to allow an addition to the existing building and to remove the restrictions as set forth in #73-143X to the existing Building and Shooting Range.

Acres: 9.7
District: 2nd

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

X B. A building/_____ permit shall be required before beginning construction.

X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the Department requirements of Table 305 and the required construction classification of Table 214.

I. Comments _____

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Avenue, Towson.

Very truly yours,
Charles E. Burman, Chief
Plans Review

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 5, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: December 23, 1980

RE: Item No: 116, 117, 118, 119, 120, 121
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Nick Petrovich, Assistant
Department of Planning

KNP/op

RECEIVED
JUL 13 1982
JUL 13 1982
JUL 13 1982

IN THE MATTER
OF THE APPLICATION
OF THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
W/S Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
No. 81-160-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
82M203/14/203

ORDER

Upon the foregoing Motion to Dismiss Appeal, filed on behalf of the Appellants, it is this 13 day of October, 1982, by the Circuit Court for Baltimore County, At Law,

ORDERED, that the Appeal filed by the Appellants from the Opinion and Order of the Board of Appeals of Baltimore County, dated June 9, 1982, be and the same is hereby dismissed, without prejudice.

William T. Hackett
JUDGE

True Copy Test
ELMER H. KAHLINE, JR., Clerk
Per *Yvonne R. Phipps*
Deputy Clerk

RECEIVED
JUL 13 1982
JUL 13 1982
JUL 13 1982

Thelma E. Perry, et al
Case No. 81-160-SPH

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of June, 1982, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner dated October 14, 1981, be REVERSED and that all restrictions set forth in the original Order dated October 17, 1974, be complied with.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Keith St. Franz
Keith St. Franz

Patricia Phipps
Patricia Phipps

SED:wjt
79-91
7-3-82

IN THE MATTER
OF THE APPLICATION
OF THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
W/S Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
No. 81-160-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
82M-203

ORDER FOR APPEAL

MR. CLERK:

Please enter an Order for Appeal on behalf of Thelma E. Perry and Joseph E. Perry V. F. W. Post No. 751, Inc., by S. Eric DiNenna and S. Eric DiNenna, P. A. their attorneys, from the decision of the County Board of Appeals of Baltimore County entered on the 9th day of June, 1982.

S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Appellants

I HEREBY CERTIFY that on this 8th day of July, 1982, a copy of the foregoing Order for Appeal was mailed to the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, Irwin Desser, Esquire, 3126 Rices Lane, Baltimore, Maryland 21207, John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204 and Leonard Jacobson, Esquire, County Solicitor, Courthouse, Towson, Maryland 21204.

S. ERIC DINENNA
S. ERIC DINENNA

RECEIVED
JUL 13 1982
JUL 13 1982
JUL 13 1982

Thelma E. Perry, et al
Case No. 81-160-SPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice

has been mailed to Joseph E. Perry, V.F.W. Post #751, Inc., by Robert W. Lanni, 7208 Windsor Mill Rd., Baltimore, Md. 21207, Petitioner; S. Eric DiNenna, Esq., 406 W. Penna. Ave., Towson, Md. 21204, Counsel for Petitioner; Irwin H. Desser, Esq., 3126 Rices Lane, Baltimore, Md. 21207, Counsel for Protestants; Frederick Hitchcock, 3000 Rices Lane, Baltimore, Md. 21207, Protestants; Mrs. Louise Fry, 713 Fry's Lane, Balto., Md. 21207, Protestants; Mrs. Ruth Hendricks, 3011 Rices Lane, Baltimore, Md. 21207, Protestants; Mr. Lionel T. Fry, 5500 Windsor Mill Rd., Balto., Md. 21207, Protestants; William C. Masemore, 3108 Rices Lane, Balto., Md. 21207, Protestants; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County on this 14th day of July, 1982.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

2.

SED:wjt
79-91
7-15-82

IN THE MATTER
OF THE APPLICATION
OF THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
W/S Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
Appellants
No. 81-160-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
82M-203

PETITION UNDER RULE B-2

TO THE HONORABLE, THE JUDGE OF SAID COURT:

NOW COME the Appellants in the above entitled matter by S. ERIC DINENNA and S. ERIC DINENNA, P. A., their attorneys and for appeal from the Opinion and Order of the County Board of Appeals dated June 9, 1982, respectfully says:

1. That the County Board of Appeals committed error in taking such action;
2. That the County Board of Appeals erred in failing to give proper weight to the testimony presented by the Appellants herein;
3. That the County Board of Appeals erred in failing to find from the evidence presented that the use as petitioned for falls within and complies with Section 502.1 of the Baltimore County Zoning Regulations;
4. That the County Board of Appeals otherwise acted in an arbitrary and capricious manner in that its Opinion and Decision was not based upon the evidence presented at the time of the hearing before the County Board of Appeals, and for other reasons of error as reflected by testimony to be stated at the hearing of this matter.

S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Appellants

RECEIVED
JUL 13 1982
JUL 13 1982
JUL 13 1982

I HEREBY CERTIFY that on this 13th day of July, 1982, a copy of the foregoing Petition Under Rule B-2 was mailed, first class postage prepaid, to County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Irwin Desser, Esquire, 3126 Rices Lane, Baltimore, Maryland 21207; John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 223, Courthouse, Towson, Maryland 21204; and Leonard Jacobson, Esquire, County Solicitor, Courthouse, Towson, Maryland 21204.

S. ERIC DINENNA
S. ERIC DINENNA

IN THE MATTER
OF THE APPLICATION
OF THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
W/S Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
Zoning File No. 81-160-SPH

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. File No. 32-M-203

ANSWER TO PETITION ON APPEAL

People's Counsel for Baltimore County, Appellee, answers the Petition under Rule B-2 in the above-entitled case, as follows:

1. Appellee denies the allegations made and contained in the first through fourth paragraphs of said Petition.
2. In further answering, Appellee states that the decision of the County Board of Appeals was reasonable and based on legally competent and substantial evidence.

WHEREFORE, Appellee prays that the Court affirm the decision of the County Board of Appeals of Baltimore County.

AND AS IN DUTY BOUND, etc.,

John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2138

RECEIVED
JUL 13 1982
JUL 13 1982
JUL 13 1982

I HEREBY CERTIFY that on this 13th day of July, 1982, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary of the County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy was mailed to S. Eric DiNenna, Esquire, and S. Eric DiNenna, P.A., 406 W. Pennsylvania Avenue, Towson, Maryland 21204; Irwin H. Desser, Esquire,

3125 Rices Lane, Baltimore, Maryland 21207; and Leonard S. Jacobson, Esquire,
County Solicitor, Mezzanine, Court House, Towson, Maryland 21204.

Peter Max Zimmernan
Peter Max Zimmernan

IN THE MATTER OF *
THE APPLICATION OF *
THELMA E. PERRY, ET AL *
FOR SPECIAL HEARING *
S/S Fry's Lane, 3,158'S of *
Windsor Mill Road *
2nd District *
Zoning File No. 81-160-SPH *
Misc. File No. 82-M-203

ANSWER TO PETITION OF APPEAL FROM
OPINION AND ORDER OF COUNTY BOARD OF APPEALS

Now come the Protestants, Appellees, by Irwin H. Desser,
their attorney, and, for answer to the Petition under Rule B-2
heretofore filed against them, respectfully represent:

1. That they deny the allegations contained in the first
through fourth paragraphs thereof.
2. And they aver that the determination of the County
Board of Appeals, dated June 9, 1982, was reasonable and proper,
was fully in accord with the evidence before the Board, and
was legally sufficient and correct.

WHEREFORE, Appellees pray that the Court affirm the
determination of the County Board of Appeals of Baltimore County.
AND, as in duty bound, etc.

Irwin H. Desser
Irwin H. Desser
Attorney for Protestants, Appellees
3126 Rices Lane - RR5
Baltimore, Maryland 21207
922-1852, 655-9660

I HEREBY CERTIFY that, on this 24th day of July, 1982,
copies of the foregoing Answer to Petition of Appeal were
mailed to the Administrative Secretary, County Board of Appeals,
200 Courthouse, Towson, Maryland 21204; S. Eric DiNenna, Esquire,
and S. Eric DiNenna, P.A., 406 W. Pennsylvania Avenue, Towson,
Maryland 21204, Attorney for Appellants; John W. Hessian, III,
Maryland 21204, Attorney for Appellants; John W. Hessian, III,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 1982, a copy
of the foregoing Petition for Extension of Time for Transmission
of Record and Statement of Points and Citation of Main Authori-
ties, and of the accompanying Order (conformed as executed),
were mailed, first class postage prepaid, to the County Board
of Appeals of Baltimore County, Room 219 Courthouse, Towson,
Maryland 21204; Irwin Desser, Esquire, 3126 Rices Lane, Baltimore,
Maryland 21207; John W. Hessian, III, Esquire, People's Counsel
for Baltimore County, Room 223, Courthouse, Towson, Maryland
21204; Leonard Jacobson, Esquire, County Solicitor, Courthouse,
Towson, Maryland 21204 and Ms. Carol Beresh, c/o County Board
of Appeals, Room 219, Courthouse, Towson, Maryland 21204.

S. ERIC DINENNA

STATEMENT OF POINTS AND CITATION OF MAIN AUTHORITIES

1. Maryland Rule B-7b ("Upon application of any party,
including the agency, and for sufficient cause shown, the Court
may direct that the record be transmitted in such shorter or
longer time, not exceeding 30 days after receipt of the first
copy of a Petition for Appeal, as may be ordered, except that the
record need not be transmitted until after disposition of a
demurrer or similar pleading.")

S. ERIC DINENNA

Esquire, People's Counsel, 223 Courthouse, Towson, Maryland
21204; and Leonard S. Jacobson, Esquire, County Solicitor,
Mezzanine, Courthouse, Towson, Maryland 21204.

Irwin H. Desser
Irwin H. Desser

cc: Mr. & Mrs. Major H. Fry
Mr. & Mrs. W. C. Masemore

IN THE MATTER OF *
THE APPLICATION OF *
THELMA E. PERRY, ET AL *
FOR SPECIAL HEARING *
S/S Fry's Lane, 3,158'S of *
Windsor Mill Road *
2nd District *
Zoning File No. 81-160-SPH *
Misc. File No. 82-M-203

Now come the Protestants, Appellees, by Irwin H. Desser,
their attorney, and, for answer to the Petition under Rule B-2
heretofore filed against them, respectfully represent:

1. That they deny the allegations contained in the first
through fourth paragraphs thereof.
2. And they aver that the determination of the County
Board of Appeals, dated June 9, 1982, was reasonable and proper,
was fully in accord with the evidence before the Board, and
was legally sufficient and correct.

WHEREFORE, Appellees pray that the Court affirm the
determination of the County Board of Appeals of Baltimore County.
AND, as in duty bound, etc.

I HEREBY CERTIFY that, on this 24th day of July, 1982,
copies of the foregoing Answer to Petition of Appeal were
mailed to the Administrative Secretary, County Board of Appeals,
200 Courthouse, Towson, Maryland 21204; S. Eric DiNenna, Esquire,
and S. Eric DiNenna, P.A., 406 W. Pennsylvania Avenue, Towson,
Maryland 21204, Attorney for Appellants; John W. Hessian, III,
Maryland 21204, Attorney for Appellants; John W. Hessian, III,

IN THE MATTER OF *
THE APPLICATION OF *
THELMA E. PERRY, ET AL *
FOR SPECIAL HEARING *
S/S Fry's Lane, 3,158'S of *
Windsor Mill Road *
2nd District *
Zoning File No. 81-160-SPH *
Misc. File No. 82-M-203

UPON the foregoing Petition for Extension of Time for
Transmission of Record, State and Citation of Main Authori-
ties, and of the accompanying Order (conformed as executed),
having been considered, IT IS ORDERED that the County Board
of Appeals of Baltimore County, Room 219 Courthouse, Towson,
Maryland 21204, be and it is hereby ordered, that an extension of time
for transmission of the record of the proceedings to the County
Board of Appeals in the above captioned appeal, without prejudice,
record of the proceedings in the above captioned appeal, without prejudice,
8, 1982.

IN THE MATTER OF *
THE APPLICATION OF *
THELMA E. PERRY, ET AL *
FOR SPECIAL HEARING *
S/S Fry's Lane, 3,158'S of *
Windsor Mill Road *
2nd District *
Zoning File No. 81-160-SPH *
Misc. File No. 82-M-203

UPON the foregoing Petition for Extension of Time for
Transmission of Record, State and Citation of Main Authori-
ties, and of the accompanying Order (conformed as executed),
having been considered, IT IS ORDERED that the County Board
of Appeals of Baltimore County, Room 219 Courthouse, Towson,
Maryland 21204, be and it is hereby ordered, that an extension of time
for transmission of the record of the proceedings to the County
Board of Appeals in the above captioned appeal, without prejudice,
record of the proceedings in the above captioned appeal, without prejudice,
8, 1982.

S. ERIC DINENNA
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Appellants

I HEREBY CERTIFY that on this 24th day of July, 1982, a copy of
the foregoing Answer to Petition of Appeal, and of the accompanying Order
(conformed as executed), were mailed, first class postage prepaid to: COUNTY
BOARD OF APPEALS, Room 219, Courthouse, Towson, MD 21204; Irwin Desser,
Esquire, 3126 Rices Lane, Baltimore, Maryland 21207; John W. Hessian, III,
Esquire, People's Counsel for Baltimore County, Courthouse, Towson, Maryland
21204; Leonard Jacobson, Esquire, County Solicitor, Courthouse, Towson,
Maryland 21204 and Ms. Carol Beresh, c/o County Board of Appeals, Room
219, Courthouse, Towson, Maryland 21204.

IN THE MATTER
OF THE APPLICATION OF
THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
w/s Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
No. 81-160-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
82M203/14/208

ORDER

Upon the foregoing Motion to Dismiss Appeal, filed on behalf of the Appellants, it is this _____ day of _____, 1982, by the Circuit Court for Baltimore County, At Law,

ORDERED, that the Appeal filed by the Appellants from the Opinion and Order of the Board of Appeals of Baltimore County, dated June 9, 1982, be and the same is hereby dismissed, without prejudice.

JUDGE

RECEIVED
BALTIMORE COUNTY
CIRCUIT COURT
APR 7 2 28 PM '82
CLERK

PETITION FOR SPECIAL EXCEPTION *
W/S FRY'S LANE * BEFORE THE
3,158' S OF WINDSOR MILL ROAD * COUNTY BOARD OF APPEALS
2nd ELECTION DISTRICT * Case No. 81-160-SPH
THELMA PERRY, ET AL *

Madam Clerk:

Please issue summons to Mr. Michael Flanigan, Room 405 County Courts Building, Department of Traffic Engineering, Towson, Maryland 21204 (Telephone 494-3554) to testify on behalf of Protestants at a hearing to be held on Tuesday, April 20, 1982 at 10:00 a.m.

Please ask the Sheriff's Office to kindly deliver summons to Mr. Flanigan, or to someone in his office, by or before Thursday, April 15, 1982 as Mr. Flanigan has requested delivery at least five (5) days in advance of hearing.

Thank you for your cooperation.

Irwin H. Desser
Attorney for Protestants

cc: Peter Zimmerman, Esquire
People's Counsel

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

COST \$ 5.00
RECORDED 4-12-82
NON EST
NON SUST
COPY 101

CHARLES H. BRYAN
DEPUTY CLERK

SED:WJT
#79-91
11/13/81

RE: Petition for Special
Exception
W/S of Fry's Lane
3,158' S of Windsor Mill Road
2nd Election District
Thelma E. Perry and
Joseph E. Perry V.F.W. Post
No. 751, Inc.

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No.: 81-160-SPH

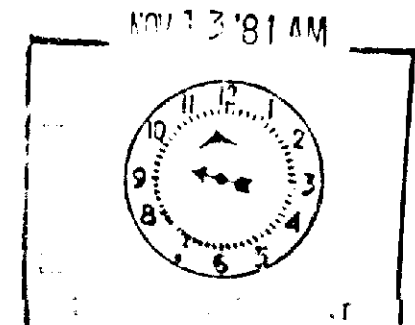
ORDER OF APPEAL

Please enter an Appeal on Behalf of the Petitioners, Thelma E. Perry and Joseph E. Perry V.F.W. Post No. 751, Inc., to the Baltimore County Board of Appeals, from the restrictions numbered 3 and 4, specifically and only, of the Order of the Zoning Commissioner of Baltimore County dated October 14, 1981.

S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1430
Attorneys for Appellants

I HEREBY CERTIFY that on this 11th day of November, 1981, a copy of the foregoing Order of Appeal was mailed to John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Rm. 223, Court House, Towson, Maryland 21204, and Irwin H. Desser, Esquire, 3126 Rices Lane, Balto., MD 21207, Attorney for Protestants.

S. ERIC DINENNA



PETITION FOR SPECIAL EXCEPTION *
W/S FRY'S LANE * BEFORE THE
3,158' S OF WINDSOR MILL ROAD * COUNTY BOARD OF APPEALS
2nd ELECTION DISTRICT * Case No. 81-160-SPH
THELMA PERRY, ET AL *

Madam Clerk:

Please issue summons to Mr. Michael Flanigan, Room 405 County Courts Building, Department of Traffic Engineering, Towson, Maryland 21204 (Telephone 494-3554) to testify on behalf of Protestants at a hearing to be held on Tuesday, April 20, 1982 at 10:00 a.m.

Please ask the Sheriff's Office to kindly deliver summons to Mr. Flanigan, or to someone in his office, by or before Thursday, April 15, 1982 as Mr. Flanigan has requested delivery at least five (5) days in advance of hearing.

Thank you for your cooperation.

Irwin H. Desser
Attorney for Protestants

cc: Peter Zimmerman, Esquire
People's Counsel

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

RECEIVED
BALTIMORE COUNTY
CIRCUIT COURT
APR 15 10 42 AM '82
CLERK

RE: PETITION FOR SPECIAL HEARING
W/S of Fry's Lane, 3158'
S of Windsor Mill Rd., 2nd District
THELMA E. PERRY, et al, Petitioner:

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 81-160-SPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 17th day of February, 1981, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, Suite 205, Alex. Brown Building, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hessian, III

IN THE MATTER
OF THE APPLICATION
OF THELMA E. PERRY, ET AL
FOR SPECIAL HEARING
W/s Fry's Lane, 3,158' S of
Windsor Mill Road
2nd District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 81-160-SPH

OPINION

This case comes before this Board on appeal from an Order of the Zoning Commissioner dated October 14, 1981, granting the petition for Special Hearing with noted restrictions. It is interesting to note that appeals to this Board were taken by both parties, the protestants to the entire granting by the Zoning Commissioner and the petitioners to certain restrictions imposed upon its use, those being restrictions #3 and #4 only. Testimony and evidence was taken on two separate days on these appeals.

This Board notes that the testimony and evidence produced in the original hearing, Nos. 71-58-V and 73-143-X, consumed three days. The Opinion resulting from these hearings indicates that the Board at that time was much troubled in attempting to arrive at a solution that would be most proper for all parties concerned. The Order, while granting a Special Exception, imposes restrictions attempting to allow an existing operation to continue but not allow it to expand. The petition before the Board this day proposes an amendment to the site plan to allow for enlargement of the original building and a request for an increase in the permitted number of activities on the site. The Zoning Commissioner's Order dated October 14, 1981, permits this enlargement and some increase in planned activities on the property with restrictions as noted.

In this Opinion, the Board will not attempt to summarize all the testimony and evidence produced in these two days of hearings but will let the record speak for itself. Petitioners' testimony was basically that the V.F.W. uses this property for their various activities and owns the 2.2 acres outright and leases 7.5 acres in addition to this. Because of the restrictions imposed in the Order dated October 17, 1974, their activities are so limited as to discourage normal membership growth, and membership has in fact declined, and therefore their normal charitable activities have been seriously

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 10, 1982

NOTICE OF ASSIGNMENT (CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-160-SPH
THELMA E. PERRY, et al
W/s Fry's Lane, 3158' S of
Windsor Mill Road
2nd District
SPH-Amendments to site plan

ASSIGNED FOR: TUESDAY, APRIL 20, 1982, at 10 a.m.

cc: S. Eric DiNenna, Esq. Counsel for Petitioner (Ms. Perry)
Joseph E. Perry Petitioner
By: Robert W. Lanni
Irwin H. Desser, Esq. Attorney for Protestants
Frederick Hitchcock Protestant
Mrs. Louise Fry "
Mrs. Ruth Hendricks "
Mr. Lionel T. Fry "
Mr. Wm. Masemore "
J. W. Hessian, Esq. People's Counsel
J. E. Dyer
J. Hoswell
W. Hammond
N. Gerber

June Holmen, Secy.

Thelma E. Perry, et al
Case No. 81-160-SPH

curtailed. The protestants' testimony indicated many problems from the traffic already generated on the site and dwelled at length on the condition and size of the roads leading onto the property. They also noted problems from noise, litter and the real problem that any extra traffic would cause in creating obstacles for access by any emergency equipment, fire trucks, ambulances, etc. All the problems created by the restrictions imposed in the Order of October 17, 1974, and all the protestants' fears were carefully considered by this Board in this case. There were presented as exhibits, many, many photographs and all of these were carefully surveyed. Fry's Lane is the direct access to this property and is a privately maintained road being neither county nor state owned. People's Counsel Exhibit 1A was a very graphic example of Fry's Lane. Since petitioner claimed no traffic problems from this operation and since protestants claimed nothing but traffic problems from this operation, the Board in toto visited the subject site with road conditions our primary interest. Fry's Lane is just as poor an access as the photos portray. Fry's Lane is hardly a road under road standards today, but is more an access trail. Baltimore County Zoning Regulations, Section 502.1.b, denies special exception use if the use tends to create congestion in roads, streets or alleys therein. Surely, any use of this property, especially by some 200 people, will create congestion on this rudimentary road. Section 502.1.c deals with the potential hazard from fire, panic or other dangers. It is extremely difficult for this Board to rationalize that the use of this access road by any number of automobiles would not significantly increase the potential hazard from fire or panic, purely because of the difficulty any emergency equipment would face in trying to gain access to the site. It is very probable that should an emergency arise while any significant number of automobiles were using the site, the serious effects of this traffic backing up could well create serious problems for emergency equipment attempting to reach homes along Fry's Lane. Because of this access problem with the subject site, the Board is inclined to find that the restrictions imposed in the original Order of October 17, 1974, and the amendments thereto, have been so restrictive as to have seriously curtailed the normal charitable activities of the V.F.W. and therefore their normal charitable activities have been seriously

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 14, 1982

Irwin H. Desser, Esq.
3126 Rices Lane
Baltimore, Md. 21207

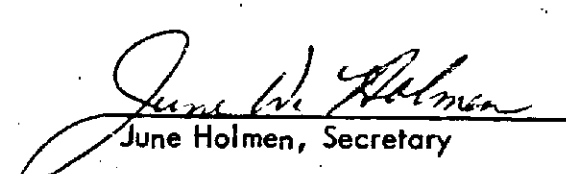
Dear Mr. Desser:

Re: Case No. 81-160-SPH
Thelma E. Perry, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,


June Holmen, Secretary

Encl.

cc: Frederick Hichcock
Louise Fry
Ruth Hendricks
Lionel T. Fry
Wm. Masemore
J. W. Hessian, Esq.
J. Dyer
W. Hammond
J. Hoswell
N. Gerber

July 14, 1982

BILLED TO: S. Eric DiNenna, Esq.
406 W. Penna. Ave. (21204)Thelma E. Perry, et al
W/s Fry's Lane, 3158' S of
Windsor Mill Rd.
2nd DistrictCost of certified documents filed
in Case No. 81-160-SPH \$23.00

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 14, 1982

S. Eric DiNenna, Esq.
406 W. Penna. Ave.
Towson, Md. 21204

Dear Mr. DiNenna:

Re: Case No. 81-160-SPH
Thelma E. Perry, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

* cost of the transcript of the record must be paid by you.
Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,


June Holmen, Secretary

Encls.

cc: Joseph E. Perry V.F.W. Post
#751, Inc. By: Robert W. Lanni

S. Eric DiNenna, P.A.

Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204301-823-1630
301-296-6520

October 5, 1982

Elmer H. Kahline, Jr., Clerk,
Circuit Court for Baltimore County
Law Desk
County Courts Building
P. O. Box 6754
Towson, Maryland 21204-0754RE: In the Matter of the Application of
Thelma E. Perry, et al
82-203/14/208

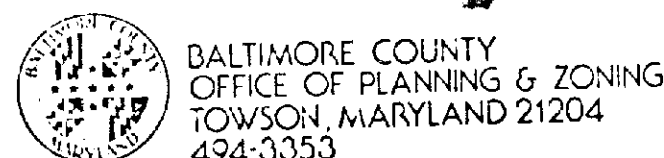
Dear Mr. Clerk:

Please accept for filing the enclosed Motion to Dismiss Appeal and Order along with my check in the amount of \$12.00 representing open Court costs in this matter. Also, I have enclosed an additional copy of the Order, which I would appreciate being marked as a "True Text Copy" and returned to my office.

Thank you for your fine cooperation in this matter.

Very truly yours,

S. ERIC DINENNA

SED:fzt
Encls.cc: County Board of Appeals
Irwin Desser, Esq.
John W. Hessian, III, Esq.
Leonard Jacobson, Esq.
Ms. Carol Beresh
Theodore J. Storm, for
Joseph E. Perry V.F.W. Post 751Baltimore
City
Oct 7 2 24 PM '82
BY: [initials]WILLIAM E. HAMMOND
ZONING COMMISSIONER

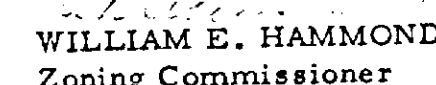
October 14, 1981

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204RE: Petition for Special Exception
W/S of Fry's Lane, 3,158' S of
Windsor Mill Road - 2nd Election
District
Thelma E. Perry, et al - Petitioners
NO. 81-160-SPH (Item No. 121)

Dear Mr. DiNenna:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,


WILLIAM E. HAMMOND
Zoning Commissioner

WEH:erl

Attachments

cc: Irwin H. Desser, Esquire
3126 Rices Lane
Baltimore, Maryland 21207Mr. William C. Masemore
3108 Rices Lane
Baltimore, Maryland 21207Mr. Fred Hichcock
3000 Rices Lane
Baltimore, Maryland 21207John W. Hessian, III, Esquire
People's CounselMrs. Louise Fry
7913 Fry's Lane
Baltimore, Maryland 21207Mrs. Ruth Hendricks
3011 Rices Lane
Baltimore, Maryland 21207Mr. Lionel Thomas Fry
5500 Windsor Mill Road
Baltimore, Maryland 21207IRWIN H. DESSER
ATTORNEY AT LAW
3126 RICE LANE, RM 3
BALTIMORE, MARYLAND 21207

November 10, 1981

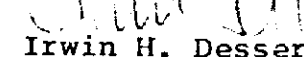
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Petition for Lifting of Restrictions
W/S Fry's Lane
Thelma E. Perry, et al, Petitioners
No. 81-160-SPH (Item No. 121)

Dear Sir:

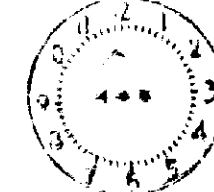
The Protestants in the captioned case hereby appeal from your Order of October 14, 1981 to the Board of Zoning Appeals. Enclosed is a check in the amount of \$45 to cover fee and posting costs.

Thank you for your considerable and sincere efforts in your handling of this matter at your level.

Respectfully yours,


Irwin H. Desser
IHD:rhf
Enclosurecc: Mr. & Mrs. W. C. Masemore
Mr. & Mrs. Fred Hichcock
Mr. & Mrs. M. H. Fry
Mrs. Ruth Henritz
Mr. & Mrs. W. H. Shively
Mr. & Mrs. D. Maranto
Mr. & Mrs. J. Underwood
Mr. & Mrs. Edw. Hayes
Mr. Charles Hayes
John W. Hessian, III, Esquire
People's Counsel

NOV 15 1981 AM



November 24, 1981

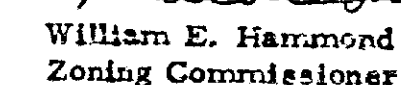
John W. Hessian, III, Esquire
People's Counsel for Baltimore County
Room 223, Court House
Towson, Maryland 21204RE: Petition for Special Hearing
W/s Fry's Lane, 3,158' S of Windsor Mill Rd.
Thelma E. Perry, et al - Petitioners
Case #81-160-SPH Item #121

Dear Mr. Hessian:

Please be advised that appeals have been filed by S. Eric DiNenna, attorney for Thelma E. Perry, et al, Petitioners, and Irwin H. Desser, attorney for protestants, both received in this office November 13, 1981, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,


William E. Hammond
Zoning Commissioner

WEH:klr

cc: S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204Irwin H. Desser, Esquire
3126 Rices Lane
Baltimore, Maryland 21207Mr. Fred Hichcock
3000 Rices Lane
Baltimore, Maryland 21207Mr. William C. Masemore
3108 Rices Lane
Baltimore, Maryland 21207Mrs. Louise Fry
7913 Fry's Lane
Baltimore, Maryland 21207Mrs. Ruth Hendricks
3011 Rices Lane
Baltimore, Maryland 21207Mr. Lionel Thomas Fry
5500 Windsor Mill Road
Baltimore, Maryland 21207

S. Eric DiNenna

Attorney at Law

Suite 203 Alex. Brown Building
192 W. Pennsylvania Avenue
Towson, Maryland 21204301-823-1630
301-296-6520

June 10, 1981

The Honorable William E. Hammond,
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204RE: Joseph E. Perry VFW Post 751
7208 Windsor Mill Road
Case No. 81-160-SPH
My File NO. 79-91

Dear Mr. Commissioner:

I am in receipt of a letter dated June 1, 1981 from Mr. Desser indicating that the residents of the Rices Lane area are not willing to have a meeting to discuss any compromise concerning my client's Petition.

Accordingly, I respectfully request the Zoning Commissioner make his decision based on the testimony that was presented at the hearing.

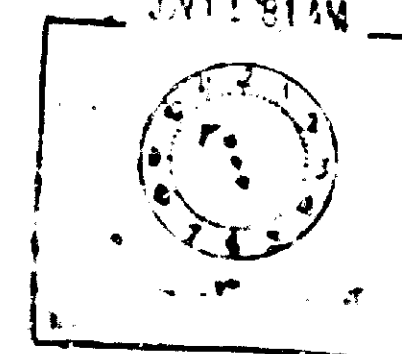
Thank you.

Very truly yours,

S. ERIC DINENNA

SED:fzt

cc: Irwin H. Desser, Esquire

cc: Mr. Theodore J. Storm
Joseph E. Perry VFW Post 751

8-415

IRWIN H. DESSER
ATTORNEY AT LAW
3126 RICES LANE - RR 3
BALTIMORE, MARYLAND 21207

TELEPHONE:
922-1852
655-0660
383-2940

February 23, 1981

The Honorable William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing -
West Side of Fry's Lane
3,158 feet south of Windsor Mill Road
Case No. 73-143-X

Dear Commissioner Hammond:

I have just learned that a hearing has been scheduled for Thursday, March 12, 1981 at 9:45 a.m. on the petition in the captioned case.

My neighbors and I on Rices Lane and on Fry's Lane are very strongly opposed to the request for you to approve an amendment to the site plan, and there has been absolutely no change in the neighborhood or in the situation to justify such an amendment as is being requested since the last time these issues were litigated before the Commission and the Circuit Court. If anything, there is less justification at this time because of very young children now living in the neighborhood and because of the very poor health of Mr. Major Fry who lives with his wife on the land abutting the parcel on which the VFW building is located.

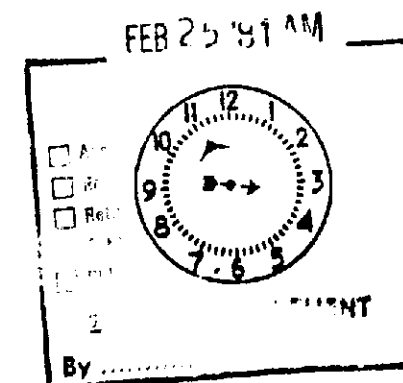
We intend to vigorously defend against this new effort to add to the building and to remove the use restrictions now existing, and we respectfully request a postponement of the hearing so that we can have an adequate opportunity to marshal our resources and properly represent and account for ourselves. Also, I shall be trying a case all through the week from March 9 through March 13, 1981.

Thank you for your cooperation.

Sincerely,

Irwin H. Desser
Irwin H. Desser

cc: Mr. Fred Hickok
Mr. Bill Shively
Mr. Bill Masemore



8-1784
S. Eric DiNenna
Attorney at Law

301-423-1630
301-294-6420

September 17, 1981

The Honorable William E. Hammond,
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

THELMA G. PERRY, et al
RE: Case No. 81-160-SPH
My File No. 79-91
Joseph E. Perry VFW Post 751
7208 Windsor Mill Road

Dear Mr. Commissioner:

Please refer to my letter of August 3, 1981 wherein I requested a decision be made in the matter as soon as possible. My clients have called me several times concerning this and I would appreciate any consideration you might give to rendering your decision in the near future.

Thank you in advance for your attention.

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA

SED:cm

cc: Irwin H. Desser, Esquire
cc: Mr. Theodore J. Storm
Joseph E. Perry VFW Post 751

P.S. Please note your office's file with my new office address, above. Thank you.

8-1444

IRWIN H. DESSER
ATTORNEY AT LAW
3126 RICES LANE - RR 3
BALTIMORE, MARYLAND 21207

TELEPHONE:
922-1852
655-0660
383-2940

June 17, 1981

The Honorable William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition of J. E. Perry VFW Post 751
Case No. 81-160-SPH

Dear Commissioner Hammond:

I am in receipt of my copy of Mr. DiNenna's letter of June 10, 1981. Lest there be any misunderstanding about the conversations between myself and Mr. DiNenna since the hearing in March, I am enclosing herewith a copy of my letter to him of June 1, 1981.

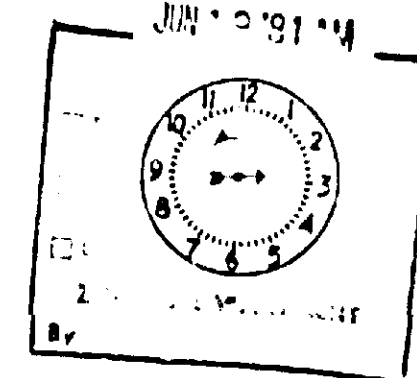
Please be aware that my clients have twice refused to make or discuss any compromises except that they would not mind if the VFW Post sent the notifications of the shoots by way of regular, instead of certified, mail. Mr. DiNenna was notified by me both times.

We should like, also, to let you and Mr. DiNenna know that some of the opponents of the Petition have reported to me that, on May 23, 1981, the Post had an affair of some sort with food (contrary, I believe, to the existing restrictions).

Sincerely,

Irwin H. Desser
Irwin H. Desser

IHD:rhr
Enclosure
cc: S. Eric DiNenna, Esquire
Residents' Committee



IRWIN H. DESSER
ATTORNEY AT LAW
3126 RICES LANE - RR 3
BALTIMORE, MARYLAND 21207

TELEPHONE:
922-1852
655-0660
383-2940

June 1, 1981

S. Eric DiNenna, Esquire
Suite 205 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: J. E. Perry VFW Post 751
Your File No. 79-91

Dear Mr. DiNenna:

My clients do not recommend that we have a meeting as they feel that the same would not likely be productive.

My clients, as several of them testified to at the hearing, are very unhappy about the incidents that now occur as a result of the VFW activities, even with the current restrictions that are in effect.

Even a partial lifting of those restrictions would cause so many more problems at living in this area would be absolutely unbearable for my clients.

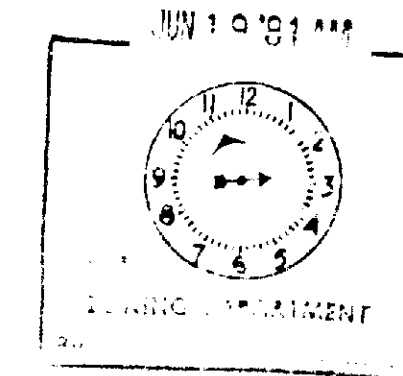
They feel that they must continue to oppose the latest VFW petition and any appeals or further petitions that the Post might file.

I am sorry that the facts of the matter are such that a compromise cannot be a possibility.

Sincerely,

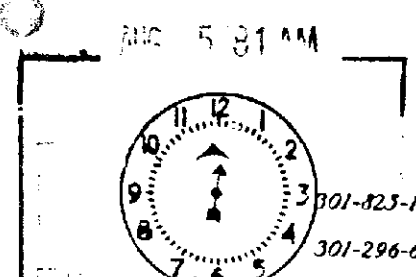
Irwin H. Desser
Irwin H. Desser

IHD:rhr
cc: Residents' Committee



8-1784
S. Eric DiNenna
Attorney at Law

Suite 205 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204



August 3, 1981

The Honorable William E. Hammond,
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

THELMA G. PERRY, et al
RE: Case No. 81-160-SPH
My File No. 79-91
Joseph E. Perry VFW Post 751
7208 Windsor Mill Road

Dear Mr. Commissioner:

Would you please be so kind as to render a decision in this matter as my clients are anxious to know where they stand with reference to their request.

Thank you in advance for your consideration and attention.

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA

SED:cm

cc: Irwin H. Desser, Esquire
cc: Mr. Theodore J. Storm
Joseph E. Perry VFW Post 751

8-1244
S. Eric DiNenna, Esquire
Suite 205 - Alex Brown Building
Towson, Maryland 21204

February 10, 1981

NOTICE OF HEARING

RE: Petition for Special Hearing - W/S Fry's Lane, 3158' S of Windsor Mill Road - Thelma E. Perry, et al
Case No. 81-160-SPH

TIME: 9:45 A.M.

DATE: Thursday, March 12, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

S. Eric DiNenna, Esquire
Suite 205 - Alex Brown Building
Towson, Maryland 21204

February 23, 1981

NOTICE OF HEARING

RE: Petition for Special Hearing - W/S Fry's Lane, 3158' S of Windsor Mill Road - Thelma E. Perry, et al -
Case No. 81-160-SPH

TIME: 1:30 P.M.

DATE: Tuesday, March 24, 1981

(Rescheduled from 3/12/81)

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-0353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 9, 1981

S. Eric DiNenna, Esquire
Suite 205 - Alex Brown Building
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Fry's Lane, 3158' S of Windsor Mill Road
Thelma E. Perry, et al
Case No. 81-160-SPH

Dear Mr. DiNenna:

This is to advise you that \$106.25 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sandra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WFH:sj